

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Oversight, Transparency &
2 Administration Subcommittee

3 Representative Lee offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 89-266 and insert:

7 transcripts held by the corporation before, on, or after the
8 effective date of the bill.

9 (5) This section is subject to the Open Government Sunset
10 Review Act in accordance with s. 119.15 and shall stand repealed
11 on October 2, 2023, unless reviewed and saved from repeal
12 through reenactment by the Legislature.

13 Section 2. (1) (a) The Legislature finds that it is a
14 public necessity that the following data or information from
15 technology systems owned, under contract, or maintained by the
16 corporation be confidential and exempt from s. 119.07 (1),

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17 Florida Statutes, and s. 24 (a), Article I of the State
18 Constitution:

19 1. Records held by the corporation which identify
20 detection, investigation, or response practices for suspected or
21 confirmed information technology security incidents, including
22 suspected or confirmed breaches, if the disclosure of such
23 records would facilitate unauthorized access to or unauthorized
24 modification, disclosure, or destruction of:

25 a. Data or information, whether physical or virtual; or

26 b. Information technology resources, which include:

27 (I) Information relating to the security of the
28 corporation's technologies, processes, and practices designed to
29 protect networks, computers, data processing software, and data
30 from attack, damage, or unauthorized access; or

31 (II) Security information, whether physical or virtual,
32 which relates to the corporation's existing or proposed
33 information technology systems.

34 2. Those portions of risk assessments, evaluations,
35 audits, and other reports of the corporation's information
36 technology security program for its data, information, and
37 information technology resources which are held by the
38 corporation, if the disclosure of such records would facilitate
39 unauthorized access to or the unauthorized modification,
40 disclosure, or destruction of:

41 a. Data or information, whether physical or virtual; or

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42 b. Information technology resources, which include:

43 (I) Information relating to the security of the
44 corporation's technologies, processes, and practices designed to
45 protect networks, computers, data processing software, and data
46 from attack , damage, or unauthorized access; or

47 (II) Security information, whether physical or virtual,
48 which relates to the corporation's existing or proposed
49 information technology systems.

50 (b) The Legislature also finds that those portions of a
51 public meeting as specified in s. 286.011, Florida Statutes,
52 which would reveal data and information described in subsection
53 (1) are exempt from s. 286.011, Florida Statutes, and s. 24 (b),
54 Article I of the State Constitution. The recording and
55 transcript of the meeting must remain confidential and exempt
56 from disclosure under s. 119. 07 (1), Florida Statutes, and s.
57 24 (a), Article I of the State Constitution unless a court of
58 competent jurisdiction, following an in camera review,
59 determines that the meeting was not restricted to the discussion
60 of data and information made confidential and exempt by this
61 section. In the event of such a judicial determination, only
62 that portion of the transcript which reveals nonexempt data and
63 information may be disclosed to a third party.

64 (c) The Legislature further finds that it is a public
65 necessity that records held by the corporation which identify
66 detection, investigation, or response practices for suspected or

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67 confirmed information technology security incidents, including
68 suspected or confirmed breaches, be made confidential and exempt
69 from s. 119.07 (1), Florida Statutes, and s. 24 (a), Article I
70 of the State Constitution if the disclosure of such records
71 would facilitate unauthorized access to or the unauthorized
72 modification, disclosure, or destruction of:

- 73 1. Data or information, whether physical or virtual; or
74 2. Information technology resources, which include:
75 a. Information relating to the security of the
76 corporation's technologies, processes, and practices designed to
77 protect networks, computers, data processing software, and data
78 from attack, damage, or unauthorized access; or
79 b. Security information, whether physical or virtual,
80 which relates to the corporation's existing or proposed
81 information technology systems.

82 (d) Such records must be made confidential and exempt for
83 the following reasons:

- 84 1. Records held by the corporation which identify
85 information technology detection, investigation, or response
86 practices for suspected or confirmed information technology
87 security incidents or breaches are likely to be used in the
88 investigations of the incidents or breaches. The release of such
89 information could impede the investigation and impair the
90 ability of reviewing entities to effectively and efficiently
91 execute their investigative duties. In addition, the release of

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92 such information before an active investigation is completed
93 could jeopardize the ongoing investigation.

94 2. An investigation of an information technology security
95 incident or breach is likely to result in the gathering of
96 sensitive personal information, including identification numbers
97 and personal financial and health information. Such information
98 could be used to commit identity theft or other crimes. In
99 addition, release of such information could subject possible
100 victims of the security incident or breach to further harm.

101 3. Disclosure of a record, including a computer forensic
102 analysis, or other information that would reveal weaknesses in
103 the corporation's data security could compromise that security
104 in the future if such information were available upon conclusion
105 of an investigation or once an investigation ceased to be
106 active.

107 4. Such records are likely to contain proprietary
108 information about the security of the system at issue. The
109 disclosure of such information could result in the
110 identification of vulnerabilities and further breaches of that
111 system. In addition, the release of such information could give
112 business competitors an unfair advantage and weaken the security
113 technology supplier supplying the proprietary information in the
114 marketplace.

115 5. The disclosure of such records could potentially
116 compromise the confidentiality, integrity, and availability of

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117 the corporation's data and information technology resources. It
118 is a public necessity that this information be made confidential
119 in order to protect the technology systems, resources, and data
120 of the corporation. The Legislature further finds that this
121 public records exemption be given retroactive application
122 because it is remedial in nature.

123 (2) (a) The Legislature also finds that it is a public
124 necessity that portions of risk assessments, evaluations,
125 audits, and other reports of the corporation's information
126 technology security program for its data, information, and
127 information technology resources which are held by the
128 corporation be made confidential and exempt from s. 119.07 (1),
129 Florida Statutes, and s. 24 (a), Article I of the State
130 Constitution if the disclosure of such portions of records would
131 facilitate unauthorized access to or the unauthorized
132 modification, disclosure, or destruction of:

133 1. Data or information, whether physical or virtual; or
134 2. Information technology resources, which include:
135 a. Information relating to the security of the
136 corporation's technologies, processes, and practices designed to
137 protect networks, computers, data processing software, and data
138 from attack, damage, or unauthorized access; or
139 b. Security information, whether physical or virtual,
140 which relates to the corporation's existing or proposed
141 information technology systems.

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142 (b) The Legislature finds that it is valuable, prudent,
143 and critical to the corporation to have an independent entity
144 conduct a risk assessment, an audit, or an evaluation or
145 complete a report of the corporation's information technology
146 program or related systems. Such documents would likely include
147 an analysis of the corporation's current information technology
148 program or systems which could clearly identify vulnerabilities
149 or gaps in current systems or processes and propose
150 recommendations to remedy identified vulnerabilities.

151 (3)(a) The Legislature further finds that it is a public
152 necessity that those portions of a public meeting which could
153 reveal information described in this section be made exempt from
154 s. 286.011, Florida Statutes, and s. 24 (b), Article I of the
155 State Constitution. It is a public necessity that such meetings
156 be made exempt from the open meetings requirements in order to
157 protect the corporation's information technology systems,
158 resources, and data. The information disclosed during portions
159 of meetings would clearly identify the corporation's information
160 technology systems and its vulnerabilities. This disclosure
161 would jeopardize the information technology security of the
162 corporation and compromise the integrity and availability of the
163 corporation's data and information technology resources.

164 (b) The Legislature further finds that it is a public
165 necessity that the recording and transcript of those portions of
166 meetings specified in paragraph (a) be made confidential and

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167 exempt from s. 119.07 (1), Florida Statutes, and s. 24 (a),
168 Article I of the State Constitution unless a court determines
169 that the meeting was not restricted to the discussion of data
170 and information made confidential and exempt by this act. It is
171 a public necessity that the resulting recordings and transcripts
172 be made confidential and exempt from the public records
173 requirements in order to protect the corporation's information
174 technology systems, resources, and data. The disclosure of such
175 recordings and transcripts would clearly identify the
176 corporation's information technology systems and its
177 vulnerabilities. This disclosure would jeopardize the
178 information technology security of the corporation and
179 compromise the integrity and availability of the corporation's
180 data and information technology resources.

181 (c) The Legislature further finds that this public meeting
182 and public records exemption must be given retroactive
183 application because it is remedial in nature.

184 Section 3. This act shall take effect upon becoming a law.

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187 **T I T L E A M E N D M E N T**

188 Remove line 2 and insert:

189 An act relating to public records and public meetings;

190 creating s.