

By the Committee on Banking and Insurance

597-02918-23

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 627.352, F.S., which
4 provides an exemption from public records requirements
5 for certain data and information from technology
6 systems owned by, under contract with, or maintained
7 by Citizens Property Insurance Corporation and an
8 exemption from public meetings requirements for
9 portions of meetings which would reveal such data and
10 information; removing the scheduled repeal of the
11 exemptions; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 627.352, Florida Statutes, is amended to
16 read:

17 627.352 Security of data and information technology in
18 Citizens Property Insurance Corporation.—

19 (1) The following data and information from technology
20 systems owned by, under contract with, or maintained by Citizens
21 Property Insurance Corporation are confidential and exempt from
22 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

23 (a) Records held by the corporation which identify
24 detection, investigation, or response practices for suspected or
25 confirmed information technology security incidents, including
26 suspected or confirmed breaches, if the disclosure of such
27 records would facilitate unauthorized access to or unauthorized
28 modification, disclosure, or destruction of:

29 1. Data or information, whether physical or virtual; or

597-02918-23

20237042__

30 2. Information technology resources, including:

31 a. Information relating to the security of the
32 corporation's technologies, processes, and practices designed to
33 protect networks, computers, data processing software, and data
34 from attack, damage, or unauthorized access; or

35 b. Security information, whether physical or virtual, which
36 relates to the corporation's existing or proposed information
37 technology systems.

38 (b) Those portions of risk assessments, evaluations,
39 audits, and other reports of the corporation's information
40 technology security program for its data, information, and
41 information technology resources which are held by the
42 corporation, if the disclosure of such records would facilitate
43 unauthorized access to or the unauthorized modification,
44 disclosure, or destruction of:

45 1. Data or information, whether physical or virtual; or

46 2. Information technology resources, which include:

47 a. Information relating to the security of the
48 corporation's technologies, processes, and practices designed to
49 protect networks, computers, data processing software, and data
50 from attack, damage, or unauthorized access; or

51 b. Security information, whether physical or virtual, which
52 relates to the corporation's existing or proposed information
53 technology systems.

54 (2) Those portions of a public meeting as specified in s.
55 286.011 which would reveal data and information described in
56 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
57 of the State Constitution. No exempt portion of an exempt
58 meeting may be off the record. All exempt portions of such a

597-02918-23

20237042__

59 meeting must be recorded and transcribed. The recording and
60 transcript of the meeting must remain confidential and exempt
61 from disclosure under s. 119.07(1) and s. 24(a), Art. I of the
62 State Constitution unless a court of competent jurisdiction,
63 following an in camera review, determines that the meeting was
64 not restricted to the discussion of data and information made
65 confidential and exempt by this section. In the event of such a
66 judicial determination, only that portion of the transcript
67 which reveals nonexempt data and information may be disclosed to
68 a third party.

69 (3) The records and portions of public meeting recordings
70 and transcripts described in subsection (2) must be available to
71 the Auditor General, the Cybercrime Office of the Department of
72 Law Enforcement, and the Office of Insurance Regulation. Such
73 records and portions of meetings, recordings, and transcripts
74 may be made available to a state or federal agency for security
75 purposes or in furtherance of the agency's official duties.

76 (4) The exemptions provided by this section apply to
77 records held by the corporation before, on, or after the
78 effective date of this act.

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

83 Section 2. This act shall take effect October 1, 2023.