

By the Committees on Rules; and Banking and Insurance

595-04042-23

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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 record and public
5 meeting requirements for certain data and information
6 relating to cybersecurity; repealing exemptions
7 relating to data and information from technology
8 systems; making technical changes; revising specified
9 information that is required to be made available to
10 certain entities; removing the scheduled repeal of the
11 exemption; 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~~

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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) Any portion Those portions of a risk assessment~~
 39 ~~assessments, an evaluation evaluations, an audit audits, and any~~
 40 ~~other report reports of the Citizens Property Insurance~~
 41 ~~Corporation's information technology security program for its~~
 42 ~~data, information, and information technology resources which~~
 43 ~~are held by the corporation are confidential and exempt from s.~~
 44 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, if the~~
 45 ~~disclosure of such records would facilitate unauthorized access~~
 46 ~~to or the unauthorized modification, disclosure, or destruction~~
 47 ~~of:~~

48 ~~(a)1. Data or information, whether physical or virtual; or~~

49 ~~(b)2. Information technology resources, which include:~~

50 ~~1.a. Information relating to the security of the~~
 51 ~~corporation's technologies, processes, and practices designed to~~
 52 ~~protect networks, computers, data processing software, and data~~
 53 ~~from attack, damage, or unauthorized access; or~~

54 ~~2.b. Security information, whether physical or virtual,~~
 55 ~~which relates to the corporation's existing or proposed~~
 56 ~~information technology systems.~~

57 (2) Those portions of a public meeting as specified in s.
 58 286.011 which would reveal data and information described in

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59 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
60 of the State Constitution. No exempt portion of an exempt
61 meeting may be off the record. All exempt portions of such a
62 meeting must be recorded and transcribed. The recording and
63 transcript of the meeting must remain confidential and exempt
64 from disclosure under s. 119.07(1) and s. 24(a), Art. I of the
65 State Constitution unless a court of competent jurisdiction,
66 following an in camera review, determines that the meeting was
67 not restricted to the discussion of data and information made
68 confidential and exempt by this section. In the event of such a
69 judicial determination, only that portion of the transcript
70 which reveals nonexempt data and information may be disclosed to
71 a third party.

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

80 (4) The exemptions provided by this section apply to
81 records held by the corporation before, on, or after March 21,
82 2018 ~~the effective date of this act.~~

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

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