

20267024er

1  
2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 119.0725, F.S.;  
4 revising definitions and defining terms; providing an  
5 exemption from public records requirements for the  
6 cybersecurity, information technology, and operational  
7 technology information held by an agency; providing an  
8 exemption from public meetings requirements for any  
9 portion of a meeting that would reveal such  
10 information; providing for retroactive application of  
11 the exemptions; providing for future legislative  
12 review and repeal of the exemptions; amending ss.  
13 15.16, 24.1051, 101.5607, 106.0706, 112.31446, 119.07,  
14 119.071, 119.0712, 119.0713, 119.0714, and 282.318,  
15 F.S.; conforming cross-references and provisions to  
16 changes made by the act; repealing s. 627.352, F.S.,  
17 relating to security of data and information  
18 technology in the Citizens Property Insurance  
19 Corporation; repealing s. 1004.055, F.S., relating to  
20 security of data and information technology in state  
21 postsecondary education institutions; providing a  
22 statement of public necessity; providing an effective  
23 date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27 Section 1. Section 119.0725, Florida Statutes, is amended  
28 to read:

29 119.0725 Agency cybersecurity information; public records

20267024er

30 exemption; public meetings exemption.—

31 (1) As used in this section, the term:

32 (a) "Breach" means unauthorized access of data or in  
33 ~~electronic form containing personal~~ information. Good faith  
34 access of data or ~~personal~~ information by an employee or agent  
35 of an agency does not constitute a breach, provided that the  
36 data or information is not used for a purpose unrelated to the  
37 business or subject to further unauthorized use.

38 (b) "Critical infrastructure" means existing and proposed  
39 information technology and operational technology systems and  
40 assets, whether physical or virtual, the incapacity or  
41 destruction of which would negatively affect security, economic  
42 security, public health, or public safety.

43 (c) "Cybersecurity" means the protection afforded to  
44 information technology or operational technology in order to  
45 attain the applicable objectives of preserving the  
46 confidentiality, integrity, and availability of such  
47 technologies, data, and information ~~has the same meaning as in~~  
48 ~~s. 282.0041.~~

49 (d) "Data" has the same meaning as in s. 282.0041.

50 (e) "Incident" means a violation or imminent threat of  
51 violation, whether such violation is accidental or deliberate,  
52 of an agency's cybersecurity, information technology, or  
53 operational technology ~~resources, security, policies, or~~  
54 ~~practices~~. As used in this paragraph, the term "imminent threat  
55 of violation" means a situation in which the agency has a  
56 factual basis for believing that a specific incident is about to  
57 occur.

58 (f) "Information technology" has the same meaning as in s.

20267024er

59 282.0041.

60 (g) “Login credentials” means information used to  
61 authenticate a user’s identity or otherwise authorize access  
62 when logging into a computer, computer system, computer network,  
63 electronic device, or online user account accessible over the  
64 Internet through a mobile device, a website, or any other  
65 electronic means, or for authentication or password or account  
66 recovery.

67 (h) “Operational technology” means the hardware and  
68 software that cause or detect a change through the direct  
69 monitoring or control of physical devices, systems, processes,  
70 or events.

71 (i) “Public-facing portal” means a web portal or computer  
72 application accessible by the public over the Internet, whether  
73 through a mobile device, website, or other electronic means.

74 (2) The following information held by an agency is  
75 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
76 of the State Constitution:

77 ~~(a) Coverage limits and deductible or self-insurance~~  
78 ~~amounts of insurance or other risk mitigation coverages acquired~~  
79 ~~for the protection of information technology systems,~~  
80 ~~operational technology systems, or data of an agency.~~

81 ~~(b)~~ Information relating to critical infrastructure.

82 ~~(b)-(e)~~ (b) Cybersecurity incident information reported pursuant  
83 to s. 282.318 or s. 282.3185.

84 ~~(c)-(d)~~ (c) Network schematics, hardware and software  
85 configurations, ~~or~~ encryption information, or any information  
86 that identifies detection, investigation, or response practices  
87 related to ~~for suspected or confirmed~~ cybersecurity incidents,

20267024er

88 including ~~suspected or confirmed~~ breaches, if the disclosure of  
89 such information could ~~would~~ facilitate unauthorized access to  
90 or unauthorized modification, disclosure, or destruction of  
91 data, information, or existing or proposed information  
92 technology or operational technology;

- 93 ~~1. Data or information, whether physical or virtual; or~~  
94 ~~2. Information technology resources, which include an~~  
95 ~~agency's existing or proposed information technology systems.~~

96 (d) Information relating to processes or practices designed  
97 to protect data, information, or existing or proposed  
98 information technology or operational technology if the  
99 disclosure of such information could facilitate unauthorized  
100 access to or unauthorized modification, disclosure, or  
101 destruction of such data, information, or technology.

102 (e) Portions of risk assessments, evaluation, audits, and  
103 other reports of an agency's cybersecurity program if the  
104 disclosure of such information could facilitate unauthorized  
105 access to or unauthorized modification, disclosure, or  
106 destruction of data, information, or existing or proposed  
107 information technology or operational technology.

108 (f) Login credentials.

109 (g) Internet protocol addresses, geolocation data, and  
110 other information that describes the location, computer,  
111 computer system, or computer network from which a user accesses  
112 a public-facing portal, and the dates and times that a user  
113 accesses a public-facing portal.

114 (h) Agency-produced data processing software that is  
115 sensitive.

116 (i) Insurance and self-insurance coverage limits and

20267024er

117 deductibles, as well as any other risk mitigation coverages  
118 acquired for the protection of information technology,  
119 operational technology, or data of an agency.

120 (3) Any portion of a meeting that would reveal information  
121 made confidential and exempt under subsection (2) is exempt from  
122 s. 286.011 and s. 24(b), Art. I of the State Constitution. An  
123 exempt portion of a meeting may not be off the record and must  
124 be recorded and transcribed. The recording and transcript are  
125 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
126 of the State Constitution.

127 (4) The public records exemptions contained in this section  
128 apply to information held by an agency before, on, or after the  
129 effective date of the exemptions July 1, 2022.

130 (5)(a) Information made confidential and exempt pursuant to  
131 this section shall be made available to a law enforcement  
132 agency, the Auditor General, the Cybercrime Office of the  
133 Department of Law Enforcement, the Florida Digital Service  
134 within the Department of Management Services, and, for agencies  
135 under the jurisdiction of the Governor, the Chief Inspector  
136 General.

137 (b) Such confidential and exempt information may be  
138 disclosed by an agency in the furtherance of its official duties  
139 and responsibilities or to another agency or governmental entity  
140 in the furtherance of the agency's or governmental entity's  
141 official ~~its statutory~~ duties and responsibilities.

142 (6) Agencies may report information about cybersecurity  
143 incidents in the aggregate.

144 (7) This section is subject to the Open Government Sunset  
145 Review Act in accordance with s. 119.15 and shall stand repealed

20267024er

146 on October 2, 2031 ~~2026~~, unless reviewed and saved from repeal  
147 through reenactment by the Legislature.

148 Section 2. Subsection (3) of section 15.16, Florida  
149 Statutes, is amended to read:

150 15.16 Reproduction of records; admissibility in evidence;  
151 electronic receipt and transmission of records; certification;  
152 acknowledgment.—

153 (3) (a) The Department of State may cause to be received  
154 electronically any records that are required or authorized to be  
155 filed with it pursuant to chapter 48, chapter 55, chapter 117,  
156 chapter 118, chapter 495, chapter 605, chapter 606, chapter 607,  
157 chapter 610, chapter 617, chapter 620, chapter 621, chapter 679,  
158 chapter 713, or chapter 865, through facsimile or other  
159 electronic transfers, for the purpose of filing such records.  
160 The originals of all such electronically transmitted records  
161 must be executed in the manner provided in paragraph (5) (b). The  
162 receipt of such electronic transfer constitutes delivery to the  
163 department as required by law. The department may use electronic  
164 transmissions for purposes of notice in the administration of  
165 chapters 48, 55, 117, 118, 495, 605, 606, 607, 610, 617, 620,  
166 621, 679, and 713 and s. 865.09. The Department of State may  
167 collect e-mail addresses for purposes of notice and  
168 communication in the performance of its duties and may require  
169 filers and registrants to furnish such e-mail addresses when  
170 presenting documents for filing.

171 (b) The department may implement a password-protected  
172 system for any record electronically received pursuant to  
173 paragraph (a) and may require filers to produce supplemental  
174 materials to use such system, including, but not limited to, an

20267024er

175 original signature of the filer and verification of credentials.  
176 The department may also implement a password-protected system  
177 that allows entities organized under the chapters specified in  
178 paragraph (a) to identify authorized account holders for the  
179 purpose of electronically filing records related to the entity.  
180 If the department implements such a system, it must send to each  
181 e-mail address on file with the Division of Corporations on  
182 January 1, 2024, a code to participate in a password-protected  
183 system. The department may require verification of the identity  
184 of an authorized account holder before the account holder is  
185 authorized to electronically file a record with the department.

186 (c)1. E-mail addresses collected by the Department of State  
187 pursuant to this subsection are exempt from s. 119.07(1) and s.  
188 24(a), Art. I of the State Constitution. This exemption applies  
189 to e-mail addresses held by the Department of State before, on,  
190 or after the effective date of the exemption.

191 ~~2. Secure login credentials held by the Department of State~~  
192 ~~for the purpose of allowing a person to electronically file~~  
193 ~~records under this subsection are exempt from s. 119.07(1) and~~  
194 ~~s. 24(a), Art. I of the State Constitution. This exemption~~  
195 ~~applies to secure login credentials held by the Department of~~  
196 ~~State before, on, or after the effective date of the exemption.~~  
197 ~~For purposes of this subparagraph, the term "secure login~~  
198 ~~credentials" means information held by the department for~~  
199 ~~purposes of authenticating a user logging into a user account on~~  
200 ~~a computer, a computer system, a computer network, or an~~  
201 ~~electronic device; an online user account accessible over the~~  
202 ~~Internet, whether through a mobile device, a website, or any~~  
203 ~~other electronic means; or information used for authentication~~

20267024er

204 ~~or password recovery.~~

205 ~~3.~~ This paragraph is subject to the Open Government Sunset  
206 Review Act in accordance with s. 119.15 and shall stand repealed  
207 on October 2, 2028, unless reviewed and saved from repeal  
208 through reenactment by the Legislature.

209 Section 3. Subsection (1) of section 24.1051, Florida  
210 Statutes, is amended to read:

211 24.1051 Exemptions from inspection or copying of public  
212 records.—

213 (1)(a) The following information held by the department is  
214 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
215 of the State Constitution:

216 1. Information that, if released, could harm the security  
217 or integrity of the department, including:

218 ~~a. Information relating to the security of the department's~~  
219 ~~technologies, processes, and practices designed to protect~~  
220 ~~networks, computers, data processing software, data, and data~~  
221 ~~systems from attack, damage, or unauthorized access. This sub-~~  
222 ~~subparagraph is subject to the Open Government Sunset Review Act~~  
223 ~~in accordance with s. 119.15 and shall stand repealed on October~~  
224 ~~2, 2027, unless reviewed and saved from repeal through~~  
225 ~~reenactment by the Legislature.~~

226 ~~b.~~ Security information or information that would reveal  
227 security measures of the department, whether physical or  
228 virtual.

229 b.e. Information about lottery games, promotions, tickets,  
230 and ticket stock, including information concerning the  
231 description, design, production, printing, packaging, shipping,  
232 delivery, storage, and validation of such games, promotions,

20267024er

233 tickets, and stock.

234 ~~c.d.~~ Information concerning terminals, machines, and  
235 devices that issue tickets.

236 2. Information that must be maintained as confidential in  
237 order for the department to participate in a multistate lottery  
238 association or game.

239 3. Personal identifying information obtained by the  
240 department when processing background investigations of current  
241 or potential retailers or vendors.

242 4. Financial information about an entity which is not  
243 publicly available and is provided to the department in  
244 connection with its review of the financial responsibility of  
245 the entity pursuant to s. 24.111 or s. 24.112, provided that the  
246 entity marks such information as confidential. However,  
247 financial information related to any contract or agreement, or  
248 an addendum thereto, with the department, including the amount  
249 of money paid, any payment structure or plan, expenditures,  
250 incentives, bonuses, fees, and penalties, shall be public  
251 record.

252 (b) This exemption is remedial in nature, and it is the  
253 intent of the Legislature that this exemption apply to  
254 information held by the department before, on, or after May 14,  
255 2019.

256 (c) Information made confidential and exempt under this  
257 subsection may be released to other governmental entities as  
258 needed in connection with the performance of their duties. The  
259 receiving governmental entity shall maintain the confidential  
260 and exempt status of such information.

261 Section 4. Paragraph (d) of subsection (1) of section

20267024er

262 101.5607, Florida Statutes, is amended to read:

263 101.5607 Department of State to maintain voting system  
264 information; prepare software.—

265 (1)

266 (d) Section 119.0725(2)(h) ~~119.071(1)(f)~~ applies to all  
267 software on file with the Department of State.

268 Section 5. Section 106.0706, Florida Statutes, is amended  
269 to read:

270 106.0706 Electronic filing of campaign finance reports;  
271 public records exemption.—

272 (1) ~~All user identifications and passwords held by the~~  
273 ~~Department of State pursuant to s. 106.0705 are confidential and~~  
274 ~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State~~  
275 ~~Constitution.—~~

276 ~~(2)(a)~~ Information entered in the electronic filing system  
277 for purposes of generating a report pursuant to s. 106.0705 is  
278 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
279 Constitution.

280 (2)(b) Information entered in the electronic filing system  
281 is no longer exempt once the report is generated and filed with  
282 the Division of Elections.

283 Section 6. Subsection (6) of section 112.31446, Florida  
284 Statutes, is amended to read:

285 112.31446 Electronic filing system for financial  
286 disclosure.—

287 (6) ~~(a) All secure login credentials held by the commission~~  
288 ~~for the purpose of allowing access to the electronic filing~~  
289 ~~system are exempt from s. 119.07(1) and s. 24(a), Art. I of the~~  
290 ~~State Constitution.—~~

20267024er

291       ~~(b)~~ Information entered in the electronic filing system for  
292 purposes of financial disclosure is exempt from s. 119.07(1) and  
293 s. 24(a), Art. I of the State Constitution. Information entered  
294 in the electronic filing system is no longer exempt once the  
295 disclosure of financial interests or statement of financial  
296 interests is submitted to the commission or, in the case of a  
297 candidate, filed with a qualifying officer, whichever occurs  
298 first.

299       Section 7. Paragraph (g) of subsection (1) of section  
300 119.07, Florida Statutes, is amended to read:

301       119.07 Inspection and copying of records; photographing  
302 public records; fees; exemptions.—

303       (1)

304       (g) In any civil action in which an exemption to this  
305 section is asserted, if the exemption is alleged to exist under  
306 or by virtue of s. 119.071(1) (d) ~~or (f)~~, (2) (d), (e), or (f), or  
307 (4) (c), or s. 119.0725(2) (h), the public record or part thereof  
308 in question shall be submitted to the court for an inspection in  
309 camera. If an exemption is alleged to exist under or by virtue  
310 of s. 119.071(2) (c), an inspection in camera is discretionary  
311 with the court. If the court finds that the asserted exemption  
312 is not applicable, it shall order the public record or part  
313 thereof in question to be immediately produced for inspection or  
314 copying as requested by the person seeking such access.

315       Section 8. Paragraph (f) of subsection (1) of section  
316 119.071, Florida Statutes, is amended to read:

317       119.071 General exemptions from inspection or copying of  
318 public records.—

319       (1) AGENCY ADMINISTRATION.—

20267024er

320       ~~(f) Agency produced data processing software that is~~  
321 ~~sensitive is exempt from s. 119.07(1) and s. 24(a), Art. I of~~  
322 ~~the State Constitution. The designation of agency-produced~~  
323 ~~software as sensitive does not prohibit an agency head from~~  
324 ~~sharing or exchanging such software with another public agency.~~

325       Section 9. Paragraph (f) of subsection (2) of section  
326 119.0712, Florida Statutes, is amended to read:

327       119.0712 Executive branch agency-specific exemptions from  
328 inspection or copying of public records.—

329       (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

330       ~~(f)1. Secure login credentials held by the Department of~~  
331 ~~Highway Safety and Motor Vehicles are exempt from s. 119.07(1)~~  
332 ~~and s. 24(a), Art. I of the State Constitution. This exemption~~  
333 ~~applies to secure login credentials held by the department~~  
334 ~~before, on, or after the effective date of the exemption. For~~  
335 ~~purposes of this subparagraph, the term "secure login~~  
336 ~~credentials" means information held by the department for~~  
337 ~~purposes of authenticating a user logging into a user account on~~  
338 ~~a computer, a computer system, a computer network, or an~~  
339 ~~electronic device; an online user account accessible over the~~  
340 ~~Internet, whether through a mobile device, a website, or any~~  
341 ~~other electronic means; or information used for authentication~~  
342 ~~or password recovery.~~

343       ~~2. Internet protocol addresses, geolocation data, and other~~  
344 ~~information held by the Department of Highway Safety and Motor~~  
345 ~~Vehicles which describes the location, computer, computer~~  
346 ~~system, or computer network from which a user accesses a public-~~  
347 ~~facing portal, and the dates and times that a user accesses a~~  
348 ~~public-facing portal, are exempt from s. 119.07(1) and s. 24(a),~~

20267024er

349 ~~Art. I of the State Constitution. This exemption applies to such~~  
350 ~~information held by the department before, on, or after the~~  
351 ~~effective date of the exemption. For purposes of this~~  
352 ~~subparagraph, the term "public-facing portal" means a web portal~~  
353 ~~or computer application accessible by the public over the~~  
354 ~~Internet, whether through a mobile device, website, or other~~  
355 ~~electronic means, which is established for administering chapter~~  
356 ~~319, chapter 320, chapter 322, chapter 328, or any other~~  
357 ~~provision of law conferring duties upon the department.~~

358 ~~3. This paragraph is subject to the Open Government Sunset~~  
359 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
360 ~~on October 2, 2026, unless reviewed and saved from repeal~~  
361 ~~through reenactment by the Legislature.~~

362 Section 10. Subsection (5) of section 119.0713, Florida  
363 Statutes, is amended to read:

364 119.0713 Local government agency exemptions from inspection  
365 or copying of public records.—

366 (5) ~~(a)~~ Customer meter-derived data and billing information  
367 in increments less than one billing cycle ~~The following~~  
368 ~~information held by a utility owned or operated by a unit of~~  
369 ~~local government are~~ is exempt from s. 119.07(1) and s. 24(a),  
370 Art. I of the State Constitution+.

371 ~~1. Information related to the security of the technology,~~  
372 ~~processes, or practices of a utility owned or operated by a unit~~  
373 ~~of local government that are designed to protect the utility's~~  
374 ~~networks, computers, programs, and data from attack, damage, or~~  
375 ~~unauthorized access, which information, if disclosed, would~~  
376 ~~facilitate the alteration, disclosure, or destruction of such~~  
377 ~~data or information technology resources.~~

20267024er

378           ~~2. Information related to the security of existing or~~  
379 ~~proposed information technology systems or industrial control~~  
380 ~~technology systems of a utility owned or operated by a unit of~~  
381 ~~local government, which, if disclosed, would facilitate~~  
382 ~~unauthorized access to, and alteration or destruction of, such~~  
383 ~~systems in a manner that would adversely impact the safe and~~  
384 ~~reliable operation of the systems and the utility.~~

385           ~~3. Customer meter derived data and billing information in~~  
386 ~~increments less than one billing cycle.~~

387           ~~(a)(b)~~ This exemption applies to such data and information  
388 held by a utility owned or operated by a unit of local  
389 government before, on, or after the effective date of this  
390 exemption.

391           ~~(b)(c)~~ This subsection is Subparagraphs ~~(a)1. and 2. are~~  
392 subject to the Open Government Sunset Review Act in accordance  
393 with s. 119.15 and shall stand repealed on October 2, 2027,  
394 unless reviewed and saved from repeal through reenactment by the  
395 Legislature.

396           Section 11. Paragraph (b) of subsection (1) of section  
397 119.0714, Florida Statutes, is amended to read:

398           119.0714 Court files; court records; official records.—

399           (1) COURT FILES.—Nothing in this chapter shall be construed  
400 to exempt from s. 119.07(1) a public record that was made a part  
401 of a court file and that is not specifically closed by order of  
402 court, except:

403           (b) Data processing software as provided in s.  
404 119.0725(2)(h) ~~s. 119.071(1)(f)~~.

405           Section 12. Paragraphs (d), (e), and (g) of subsection (4)  
406 and subsections (5) through (9) of section 282.318, Florida

20267024er

407 Statutes, are amended to read:

408 282.318 Cybersecurity.—

409 (4) Each state agency head shall, at a minimum:

410 (d) Conduct, and update every 3 years, a comprehensive risk  
411 assessment, which may be completed by a private sector vendor,  
412 to determine the security threats to the data, information, and  
413 information technology resources, including mobile devices and  
414 print environments, of the agency. The risk assessment must  
415 comply with the risk assessment methodology developed by the  
416 department and ~~is confidential and exempt from s. 119.07(1),~~  
417 ~~except that such information shall be available to the Auditor~~  
418 ~~General, the Florida Digital Service within the department, the~~  
419 ~~Cybercrime Office of the Department of Law Enforcement, and, for~~  
420 ~~state agencies under the jurisdiction of the Governor, the Chief~~  
421 ~~Inspector General.~~ If a private sector vendor is used to  
422 complete a comprehensive risk assessment, it must attest to the  
423 validity of the risk assessment findings.

424 (e) Develop, and periodically update, written internal  
425 policies and procedures, which include procedures for reporting  
426 cybersecurity incidents and breaches to the Cybercrime Office of  
427 the Department of Law Enforcement and the Florida Digital  
428 Service within the department. Such policies and procedures must  
429 be consistent with the rules, guidelines, and processes  
430 established by the department to ensure the security of the  
431 data, information, and information technology resources of the  
432 agency. ~~The internal policies and procedures that, if disclosed,~~  
433 ~~could facilitate the unauthorized modification, disclosure, or~~  
434 ~~destruction of data or information technology resources are~~  
435 ~~confidential information and exempt from s. 119.07(1), except~~

20267024er

436 ~~that such information shall be available to the Auditor General,~~  
437 ~~the Cybercrime Office of the Department of Law Enforcement, the~~  
438 ~~Florida Digital Service within the department, and, for state~~  
439 ~~agencies under the jurisdiction of the Governor, the Chief~~  
440 ~~Inspector General.~~

441 (g) Ensure that periodic internal audits and evaluations of  
442 the agency's cybersecurity program for the data, information,  
443 and information technology resources of the agency are  
444 conducted. ~~The results of such audits and evaluations are~~  
445 ~~confidential information and exempt from s. 119.07(1), except~~  
446 ~~that such information shall be available to the Auditor General,~~  
447 ~~the Cybercrime Office of the Department of Law Enforcement, the~~  
448 ~~Florida Digital Service within the department, and, for agencies~~  
449 ~~under the jurisdiction of the Governor, the Chief Inspector~~  
450 ~~General.~~

451 ~~(5) The portions of risk assessments, evaluations, external~~  
452 ~~audits, and other reports of a state agency's cybersecurity~~  
453 ~~program for the data, information, and information technology~~  
454 ~~resources of the state agency which are held by a state agency~~  
455 ~~are confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~  
456 ~~I of the State Constitution if the disclosure of such portions~~  
457 ~~of records would facilitate unauthorized access to or the~~  
458 ~~unauthorized modification, disclosure, or destruction of:~~

459 ~~(a) Data or information, whether physical or virtual; or~~

460 ~~(b) Information technology resources, which include:~~

461 ~~1. Information relating to the security of the agency's~~  
462 ~~technologies, processes, and practices designed to protect~~  
463 ~~networks, computers, data processing software, and data from~~  
464 ~~attack, damage, or unauthorized access; or~~

20267024er

465 ~~2. Security information, whether physical or virtual, which~~  
466 ~~relates to the agency's existing or proposed information~~  
467 ~~technology systems.~~

468  
469 ~~For purposes of this subsection, "external audit" means an audit~~  
470 ~~that is conducted by an entity other than the state agency that~~  
471 ~~is the subject of the audit.~~

472 ~~(6) Those portions of a public meeting as specified in s.~~  
473 ~~286.011 which would reveal records which are confidential and~~  
474 ~~exempt under subsection (5) are exempt from s. 286.011 and s.~~  
475 ~~24(b), Art. I of the State Constitution. No exempt portion of an~~  
476 ~~exempt meeting may be off the record. All exempt portions of~~  
477 ~~such meeting shall be recorded and transcribed. Such recordings~~  
478 ~~and transcripts are confidential and exempt from disclosure~~  
479 ~~under s. 119.07(1) and s. 24(a), Art. I of the State~~  
480 ~~Constitution unless a court of competent jurisdiction, after an~~  
481 ~~in camera review, determines that the meeting was not restricted~~  
482 ~~to the discussion of data and information made confidential and~~  
483 ~~exempt by this section. In the event of such a judicial~~  
484 ~~determination, only that portion of the recording and transcript~~  
485 ~~which reveals nonexempt data and information may be disclosed to~~  
486 ~~a third party.~~

487 ~~(7) The portions of records made confidential and exempt in~~  
488 ~~subsections (5) and (6) shall be available to the Auditor~~  
489 ~~General, the Cybercrime Office of the Department of Law~~  
490 ~~Enforcement, the Florida Digital Service within the department,~~  
491 ~~and, for agencies under the jurisdiction of the Governor, the~~  
492 ~~Chief Inspector General. Such portions of records may be made~~  
493 ~~available to a local government, another state agency, or a~~

20267024er

494 ~~federal agency for cybersecurity purposes or in furtherance of~~  
495 ~~the state agency's official duties.~~

496 ~~(8) The exemptions contained in subsections (5) and (6)~~  
497 ~~apply to records held by a state agency before, on, or after the~~  
498 ~~effective date of this exemption.~~

499 ~~(9) Subsections (5) and (6) are subject to the Open~~  
500 ~~Government Sunset Review Act in accordance with s. 119.15 and~~  
501 ~~shall stand repealed on October 2, 2026, unless reviewed and~~  
502 ~~saved from repeal through reenactment by the Legislature.~~

503 Section 13. Section 627.352, Florida Statutes, is repealed.

504 Section 14. Section 1004.055, Florida Statutes, is  
505 repealed.

506 Section 15. (1) The Legislature finds that it is a public  
507 necessity that the following information held by an agency be  
508 made confidential and exempt from s. 119.07(1), Florida  
509 Statutes, and s. 24(a), Article I of the State Constitution:

510 (a) Network schematics, hardware and software  
511 configurations, encryption information, or any information that  
512 identifies detection, investigation, or response practices  
513 relating to cybersecurity incidents, including breaches, if the  
514 disclosure of such information could facilitate unauthorized  
515 access to or unauthorized modification, disclosure, or  
516 destruction of data, information, or existing or proposed  
517 information technology or operational technology.

518 (b) Information relating to processes or practices designed  
519 to protect data, information, or existing or proposed  
520 information technology or operational technology if the  
521 disclosure of such information could facilitate unauthorized  
522 access to or unauthorized modification, disclosure, or

20267024er

523 destruction of such data, information, or technology.

524 (c) Portions of risk assessments, evaluations, audits, and  
525 other reports of an agency's cybersecurity program if the  
526 disclosure of such information could facilitate unauthorized  
527 access to or unauthorized modification, disclosure, or  
528 destruction of data, information, or existing or proposed  
529 information technology or operational technology.

530 (d) Login credentials.

531 (e) Internet protocol addresses, geolocation data, and  
532 other information that describes the location, computer,  
533 computer system, or computer network from which a user accesses  
534 a public-facing portal, and the dates and times that a user  
535 accesses a public-facing portal.

536 (f) Agency-produced data processing software that is  
537 sensitive.

538 (g) Insurance and self-insurance coverage limits and  
539 deductibles, as well as any other risk mitigation coverages,  
540 acquired for the protection of information technology,  
541 operational technology, or data of an agency.

542 (2) The Legislature finds that release of the information  
543 described in subsection (1) could place an agency at greater  
544 risk of breaches, cybersecurity incidents, and ransomware  
545 attacks. Network schematics, hardware and software  
546 configurations, encryption information, or any information that  
547 identifies detection, investigation, or response practices for  
548 cybersecurity incidents, including breaches, reveals how an  
549 agency's information technology and operational technology  
550 systems are structured and defended. Disclosure of such  
551 information could enable a malicious actor to map system

20267024er

552 architecture, identify vulnerabilities, and bypass security  
553 controls. Information describing processes or practices designed  
554 to protect data, information, or existing or proposed  
555 information technology or operational technology could similarly  
556 be used to exploit weaknesses and predict defensive actions.  
557 Portions of risk assessments, evaluations, audits, and other  
558 reports of an agency's cybersecurity program routinely include  
559 descriptions of vulnerabilities, testing results, and  
560 recommendations. Disclosure of such information would  
561 substantially increase the likelihood of a successful  
562 cyberattack. Login credentials are a foundational security  
563 control, and disclosure of such information could allow  
564 malicious actors to authenticate themselves in order to access  
565 government systems, impersonate legitimate users, and access  
566 personal identifying and other sensitive information. Internet  
567 protocol addresses, geolocation data, and other information that  
568 describes the location, computer, computer system, or computer  
569 network from which a user accesses a public-facing portal, and  
570 the dates and times that a user accesses a public-facing portal,  
571 could be used to track usage patterns, identify remote access  
572 points, or monitor portal vulnerabilities. Sensitive agency-  
573 produced data processing software can reveal the inner workings  
574 of security controls, authentication mechanisms, or automated  
575 processes that malicious actors can use to exploit weaknesses in  
576 security measures. If information related to coverage limits and  
577 deductibles of cybersecurity insurance were disclosed, it could  
578 give cybercriminals an understanding of the monetary sum an  
579 agency can afford or may be willing to pay as a result of a  
580 ransomware attack at the expense of taxpayers. Accordingly, the

20267024er

581 Legislature finds that the disclosure of such sensitive  
582 cybersecurity-related information would significantly impair the  
583 administration of vital governmental programs.

584 (3) The Legislature also finds that it is a public  
585 necessity that any portion of a meeting which would reveal the  
586 confidential and exempt information in subsection (1) be made  
587 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article  
588 I of the State Constitution, and that any recordings and  
589 transcripts of the closed portion of a meeting be made  
590 confidential and exempt from s. 119.07(1), Florida Statutes, and  
591 s. 24(a), Article I of the State Constitution. The failure to  
592 close that portion of a meeting at which confidential and exempt  
593 information would be revealed, and prevent the disclosure of the  
594 recordings and transcripts of those portions of a meeting, would  
595 defeat the purpose of the underlying public records exemption  
596 and could result in the release of highly sensitive information  
597 related to the cybersecurity of an agency system.

598 (4) For these reasons, the Legislature finds that these  
599 public records and public meetings exemptions are of the utmost  
600 importance and are a public necessity.

601 Section 16. This act shall take effect upon becoming a law.