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HB 7035

2023 Legislature

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 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:

14
 15 Section 1. Section 627.352, Florida Statutes, is amended
 16 to 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~~

ENROLLED

HB 7035

2023 Legislature

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~~

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,~~
 36 ~~which relates to the corporation's existing or proposed~~
 37 ~~information technology systems.~~

38 ~~(b) Any portion ~~These 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.~~ (a)1. Data or information, whether physical or virtual; or

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

50 ~~1.a.~~ 1.a. Information relating to the security of the

ENROLLED

HB 7035

2023 Legislature

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
 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

ENROLLED

HB 7035

2023 Legislature

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.