

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

HB 7035 — OGSR/Citizens Property Insurance Corporation/Cybersecurity Data and Information

by Ethics, Elections and Open Government Subcommittee and Rep. Griffitts and others (CS/SB 7042 by Rules Committee and Banking and Insurance Committee)

The bill (Chapter 2023-76, L.O.F.) repeals s. 627.352(1)(a), F.S., which makes confidential and exempt from disclosure records held by the Citizens Property Insurance Corporation (Citizens) identifying detection, investigation, or response practices for suspected or confirmed information technology security incidents if certain criteria are met. The confidential and exempt records protected from disclosure under this provision are considered to fall within the scope, and therefore the provision is duplicative, of the general exemption for agency cybersecurity information under s. 119.0725, F.S.

The bill saves from repeal the public records exemption in s. 627.352(1)(b), F.S., maintaining the exemptions in current law for any portions of a risk assessment, an evaluation, an audit, and any other reports of Citizens' information technology security program for its data, information, and information technology resources which are held by Citizens, if the disclosure would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- Data or information; or
- Information technology resources, including:
 - Information relating to the security of the corporation's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access.
 - Security information which relates to Citizens' existing or proposed information technology systems.

The bill makes technical amendments, including clarifying that "confidential and exempt" records and portions of public meeting records and transcripts are available to certain state or federal agencies.

The public records exemption stands repealed on October 2, 2023, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal of the exemption to continue the confidential and exempt status of the data and information under s. 627.352(1)(b), F.S.

This bill is not expected to impact state or local government revenues or expenditures.

These provisions were approved by the Governor and take effect October 1, 2023.
Vote: Senate 39-0; House 116-0