

1 A bill to be entitled
2 An act relating to public records; creating s.
3 627.352, F.S.; providing an exemption from public
4 records requirements for certain records held by the
5 Citizens Property Insurance Corporation which identify
6 detection, investigation, or response practices for
7 suspected or confirmed information technology security
8 incidents; creating an exemption from public records
9 requirements for certain portions of risk assessments,
10 evaluations, audits, and other reports of the
11 corporation's information technology security program;
12 creating an exemption from public meetings
13 requirements for portions of public meetings which
14 would reveal such data and information; providing an
15 exemption from public records requirements for a
16 specified period for the recording and transcript of a
17 closed meeting; authorizing disclosure of confidential
18 and exempt information to certain agencies and
19 officers; providing for future legislative review and
20 repeal; providing a statement of public necessity;
21 providing retroactive application; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Section 627.352, Florida Statutes, is created
 27 to read:

28 627.352 Security of data and information technology in
 29 Citizens Property Insurance Corporation.—

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

34 (a) Records held by the corporation which identify
 35 detection, investigation, or response practices for suspected or
 36 confirmed information technology security incidents, including
 37 suspected or confirmed breaches, if the disclosure of such
 38 records would facilitate unauthorized access to or unauthorized
 39 modification, disclosure, or destruction of:

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

41 2. Information technology resources, including:

42 a. Information relating to the security of the
 43 corporation's technologies, processes, and practices designed to
 44 protect networks, computers, data processing software, and data
 45 from attack, damage, or unauthorized access; or

46 b. Security information, whether physical or virtual,
 47 which relates to the corporation's existing or proposed
 48 information technology systems.

49 (b) Those portions of risk assessments, evaluations,
 50 audits, and other reports of the corporation's information

51 technology security program for its data, information, and
52 information technology resources which are held by the
53 corporation, if the disclosure of such records would facilitate
54 unauthorized access to or the unauthorized modification,
55 disclosure, or destruction of:

56 1. Data or information, whether physical or virtual; or
57 2. Information technology resources, which include:

58 a. Information relating to the security of the
59 corporation's technologies, processes, and practices designed to
60 protect networks, computers, data processing software, and data
61 from attack, damage, or unauthorized access; or

62 b. Security information, whether physical or virtual,
63 which relates to the corporation's existing or proposed
64 information technology systems.

65 (2) Those portions of a public meeting as specified in s.
66 286.011 which would reveal data and information described in
67 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
68 of the State Constitution. No exempt portion of an exempt
69 meeting may be off the record. All exempt portions of such a
70 meeting must be recorded and transcribed. The recording and
71 transcript of the meeting must remain confidential and exempt
72 from disclosure under s. 119.07(1) and s. 24(a), Art. 1 of the
73 State Constitution unless a court of competent jurisdiction,
74 following an in camera review, determines that the meeting was
75 not restricted to the discussion of data and information made

76 confidential and exempt by this section. In the event of such a
77 judicial determination, only that portion of the transcript
78 which reveals nonexempt data and information may be disclosed to
79 a third party.

80 (3) The records and portions of public meeting recordings
81 and transcripts described in subsection (2) must be available to
82 the Auditor General, the Cybercrime Office of the Department of
83 Law Enforcement, and the Office of Insurance Regulation. Such
84 records and portions of meetings, recordings, and transcripts
85 may be made available to a state or federal agency for security
86 purposes or in furtherance of the agency's official duties.

87 (4) The exemptions listed in this section apply to such
88 records or portions of public meetings, recordings, and
89 transcripts held by the corporation before, on, or after July 1,
90 2018.

91 (5) This section is subject to the Open Government Sunset
92 Review Act in accordance with s. 119.15 and shall stand repealed
93 on October 2, 2022, unless reviewed and saved from repeal
94 through reenactment by the Legislature.

95 Section 2. (1) (a) The Legislature finds that it is a
96 public necessity that the following data or information from
97 technology systems owned, under contract, or maintained by the
98 corporation be confidential and exempt from s. 119.07 (1),
99 Florida Statutes, and s. 24 (a), Article I of the State
100 Constitution:

101 1. Records held by the corporation which identify
102 detection, investigation, or response practices for suspected or
103 confirmed information technology security incidents, including
104 suspected or confirmed breaches, if the disclosure of such
105 records would facilitate unauthorized access to or unauthorized
106 modification, disclosure, or destruction of:

107 a. Data or information, whether physical or virtual; or

108 b. Information technology resources, which include:

109 (I) Information relating to the security of the
110 corporation's technologies, processes, and practices designed to
111 protect networks, computers, data processing software, and data
112 from attack, damage, or unauthorized access; or

113 (II) Security information, whether physical or virtual,
114 which relates to the corporation's existing or proposed
115 information technology systems.

116 2. Those portions of risk assessments, evaluations,
117 audits, and other reports of the corporation's information
118 technology security program for its data, information, and
119 information technology resources which are held by the
120 corporation, if the disclosure of such records would facilitate
121 unauthorized access to or the unauthorized modification,
122 disclosure, or destruction of:

123 a. Data or information, whether physical or virtual; or

124 b. Information technology resources, which include:

125 (I) Information relating to the security of the

126 corporation's technologies, processes, and practices designed to
127 protect networks, computers, data processing software, and data
128 from attack , damage, or unauthorized access; or

129 (II) Security information, whether physical or virtual,
130 which relates to the corporation's existing or proposed
131 information technology systems.

132 (b) The Legislature also finds that those portions of a
133 public meeting as specified in s. 286.011, Florida Statutes,
134 which would reveal data and information described in subsection
135 (1) are exempt from s. 286.011, Florida Statutes, and s. 24 (b),
136 Article I of the State Constitution. The recording and
137 transcript of the meeting must remain confidential and exempt
138 from disclosure under s. 119. 07 (1), Florida Statutes, and s.
139 24 (a), Article I of the State Constitution unless a court of
140 competent jurisdiction, following an in camera review,
141 determines that the meeting was not restricted to the discussion
142 of data and information made confidential and exempt by this
143 section. In the event of such a judicial determination, only
144 that portion of the transcript which reveals nonexempt data and
145 information may be disclosed to a third party.

146 (c) The Legislature further finds that it is a public
147 necessity that records held by the corporation which identify
148 detection, investigation, or response practices for suspected or
149 confirmed information technology security incidents, including
150 suspected or confirmed breaches, be made confidential and exempt

151 from s. 119.07 (1), Florida Statutes, and s. 24 (a), Article I
152 of the State Constitution if the disclosure of such records
153 would facilitate unauthorized access to or the unauthorized
154 modification, disclosure, or destruction of:

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

156 2. Information technology resources, which include:

157 a. Information relating to the security of the
158 corporation's technologies, processes, and practices designed to
159 protect networks, computers, data processing software, and data
160 from attack, damage, or unauthorized access; or

161 b. Security information, whether physical or virtual,
162 which relates to the corporation's existing or proposed
163 information technology systems.

164 (d) Such records must be made confidential and exempt for
165 the following reasons:

166 1. Records held by the corporation which identify
167 information technology detection, investigation, or response
168 practices for suspected or confirmed information technology
169 security incidents or breaches are likely to be used in the
170 investigations of the incidents or breaches. The release of such
171 information could impede the investigation and impair the
172 ability of reviewing entities to effectively and efficiently
173 execute their investigative duties. In addition, the release of
174 such information before an active investigation is completed
175 could jeopardize the ongoing investigation.

176 2. An investigation of an information technology security
177 incident or breach is likely to result in the gathering of
178 sensitive personal information, including identification numbers
179 and personal financial and health information. Such information
180 could be used to commit identity theft or other crimes. In
181 addition, release of such information could subject possible
182 victims of the security incident or breach to further harm.

183 3. Disclosure of a record, including a computer forensic
184 analysis, or other information that would reveal weaknesses in
185 the corporation's data security could compromise that security
186 in the future if such information were available upon conclusion
187 of an investigation or once an investigation ceased to be
188 active.

189 4. Such records are likely to contain proprietary
190 information about the security of the system at issue. The
191 disclosure of such information could result in the
192 identification of vulnerabilities and further breaches of that
193 system. In addition, the release of such information could give
194 business competitors an unfair advantage and weaken the security
195 technology supplier supplying the proprietary information in the
196 marketplace.

197 5. The disclosure of such records could potentially
198 compromise the confidentiality, integrity, and availability of
199 the corporation's data and information technology resources. It
200 is a public necessity that this information be made confidential

201 in order to protect the technology systems, resources, and data
202 of the corporation. The Legislature further finds that this
203 public records exemption be given retroactive application
204 because it is remedial in nature.

205 (2) (a) The Legislature also finds that it is a public
206 necessity that portions of risk assessments, evaluations,
207 audits, and other reports of the corporation's information
208 technology security program for its data, information, and
209 information technology resources which are held by the
210 corporation be made confidential and exempt from s. 119.07 (1),
211 Florida Statutes, and s. 24 (a), Article I of the State
212 Constitution if the disclosure of such portions of records would
213 facilitate unauthorized access to or the unauthorized
214 modification, disclosure, or destruction of:

215 1. Data or information, whether physical or virtual; or
216 2. Information technology resources, which include:
217 a. Information relating to the security of the
218 corporation's technologies, processes, and practices designed to
219 protect networks, computers, data processing software, and data
220 from attack, damage, or unauthorized access; or
221 b. Security information, whether physical or virtual,
222 which relates to the corporation's existing or proposed
223 information technology systems.

224 (b) The Legislature finds that it is valuable, prudent,
225 and critical to the corporation to have an independent entity

226 conduct a risk assessment, an audit, or an evaluation or
227 complete a report of the corporation's information technology
228 program or related systems. Such documents would likely include
229 an analysis of the corporation's current information technology
230 program or systems which could clearly identify vulnerabilities
231 or gaps in current systems or processes and propose
232 recommendations to remedy identified vulnerabilities.

233 (3) (a) The Legislature further finds that it is a public
234 necessity that those portions of a public meeting which could
235 reveal information described in this section be made exempt from
236 s. 286.011, Florida Statutes, and s. 24 (b), Article I of the
237 State Constitution. It is a public necessity that such meetings
238 be made exempt from the open meetings requirements in order to
239 protect the corporation's information technology systems,
240 resources, and data. The information disclosed during portions
241 of meetings would clearly identify the corporation's information
242 technology systems and its vulnerabilities. This disclosure
243 would jeopardize the information technology security of the
244 corporation and compromise the integrity and availability of the
245 corporation's data and information technology resources.

246 (b) The Legislature further finds that it is a public
247 necessity that the recording and transcript of those portions of
248 meetings specified in paragraph (a) be made confidential and
249 exempt from s. 119.07 (1), Florida Statutes, and s. 24 (a),
250 Article I of the State Constitution unless a court determines

251 that the meeting was not restricted to the discussion of data
252 and information made confidential and exempt by this act. It is
253 a public necessity that the resulting recordings and transcripts
254 be made confidential and exempt from the public records
255 requirements in order to protect the corporation's information
256 technology systems, resources, and data. The disclosure of such
257 recordings and transcripts would clearly identify the
258 corporation's information technology systems and its
259 vulnerabilities. This disclosure would jeopardize the
260 information technology security of the corporation and
261 compromise the integrity and availability of the corporation's
262 data and information technology resources.

263 (c) The Legislature further finds that this public meeting
264 and public records exemption must be given retroactive
265 application because it is remedial in nature.

266 Section 3. This act shall take effect July 1, 2018.