

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 282.318, F.S.; providing an exemption from public
 4 records requirements for state agency information
 5 technology risk assessments; providing for legislative
 6 review and repeal of the exemption; providing a
 7 statement of public necessity; providing a contingent
 8 effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12 Section 1. Paragraph (d) of subsection (4) of section
 13 282.318, Florida Statutes, as created by HB 1033, is amended to
 14 read:

15 282.318 Security of data and information technology.—

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

17 (d)1. Subject to annual legislative appropriation, conduct
 18 a risk assessment that must be administered by a third party as
 19 directed by the chief information security officer of the Agency
 20 for State Technology. An initial risk assessment must be
 21 completed by July 31, 2017. Additional risk assessments shall be
 22 completed periodically as directed by the chief information
 23 security officer of the Agency for State Technology. The agency
 24 must submit the risk assessment to the Agency for State
 25 Technology immediately upon request.

26 2. The risk assessment is confidential and exempt from s.

27 119.07(1) and s. 24(a), Art. I of the State Constitution, except
28 that such information shall be available to the Auditor General,
29 the Agency for State Technology, the Cybercrime Office of the
30 Department of Law Enforcement, and, for a state agency under
31 jurisdiction of the Governor, the Chief Inspector General. This
32 subparagraph is subject to the Open Government Sunset Review Act
33 in accordance with s. 119.15 and shall stand repealed on October
34 2, 2021, unless reviewed and saved from repeal through
35 reenactment by the Legislature.

36 Section 2. The Legislature finds that it is a public
37 necessity that an information technology risk assessment of a
38 state agency, as defined in s. 282.318(2), Florida Statutes, be
39 made confidential and exempt from s. 119.07(1), Florida
40 Statutes, and s. 24(a), Article I of the State Constitution.
41 These state agencies possess sensitive information that may be
42 contained within a risk assessment. This sensitive information
43 includes, but is not limited to, personal identifying
44 information, such as social security numbers and addresses, and
45 detailed information on human trafficking victims, sexual abuse
46 victims, and refugees, which could cause great harm if released.
47 Furthermore, it is imperative that the information regarding
48 each agency's actual and potential security risks remain
49 confidential so that criminals may not access that information
50 for malicious purposes. The Legislature therefore finds that it
51 is in the best interest of the public for the information
52 contained in risk assessments to remain confidential.

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53 Section 3. This act shall take effect on the same date
54 that HB 1033 or similar legislation takes effect, if such
55 legislation is adopted in the same legislative session or an
56 extension thereof and becomes a law.