

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 CS/HB 1033, is amended
14 to read:

15 282.318 Security of data and information technology.—

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

17 (d)1. Conduct a risk assessment that must be administered
18 by a third party and must be completed by July 31, 2017. Subject
19 to legislative appropriation, additional risk assessments may
20 periodically be completed.

21 2. The risk assessments are confidential and exempt from
22 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
23 except that such risk assessments shall be available to the
24 Auditor General, the Agency for State Technology, the Cybercrime
25 Office of the Department of Law Enforcement, and, for a state
26 agency under jurisdiction of the Governor, the Chief Inspector

27 General. This subparagraph is subject to the Open Government
28 Sunset Review Act in accordance with s. 119.15 and shall stand
29 repealed on October 2, 2021, unless reviewed and saved from
30 repeal through reenactment by the Legislature.

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

49 Section 3. This act shall take effect on the same date
50 that CS/HB 1033 or similar legislation takes effect, if such
51 legislation is adopted in the same legislative session or an
52 extension thereof and becomes a law.