

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 501.1737, F.S.; providing an exemption from public
 4 records requirements for information relating to
 5 investigations by the Department of Legal Affairs of
 6 certain age verification violations; authorizing the
 7 department to disclose such information for specified
 8 purposes; providing a definition; providing for future
 9 legislative review and repeal of the exemption;
 10 providing a statement of public necessity; providing a
 11 contingent effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsection (8) of section 501.1737, Florida
 16 Statutes, as created by HB 3 or similar legislation, 2024
 17 Regular Session, is renumbered as subsection (9), and a new
 18 subsection (8) is added to that section, to read:

19 501.1737 Age verification for online access to materials
 20 harmful to minors.—

21 (8) (a) All information held by the department pursuant to
 22 a notification of a violation under this section or an
 23 investigation of a violation of this section is confidential and
 24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 25 Constitution, until such time as the investigation is completed

26 or ceases to be active. This exemption shall be construed in
27 conformity with s. 119.071(2)(c).

28 (b) During an active investigation, information made
29 confidential and exempt pursuant to paragraph (a) may be
30 disclosed by the department:

31 1. In the furtherance of its official duties and
32 responsibilities;

33 2. For print, publication, or broadcast if the department
34 determines that such release would assist in notifying the
35 public or locating or identifying a person who the department
36 believes to be a victim of an improper use or disposal of
37 customer records, except that information made confidential and
38 exempt by paragraph (c) may not be released pursuant to this
39 subparagraph; or

40 3. To another governmental entity in the furtherance of
41 its official duties and responsibilities.

42 (c) Upon completion of an investigation or once an
43 investigation ceases to be active, the following information
44 held by the department shall remain confidential and exempt from
45 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

46 1. Information that is otherwise confidential or exempt
47 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

48 2. Personal identifying information.

49 3. A computer forensic report.

50 4. Information that would otherwise reveal weaknesses in

51 the data security of the commercial entity.

52 5. Information that would disclose the proprietary
 53 information of the commercial entity.

54 (d) For purposes of this subsection, the term "proprietary
 55 information" means information that:

56 1. Is owned or controlled by the commercial entity.

57 2. Is intended to be private and is treated by the
 58 commercial entity as private because disclosure would harm the
 59 commercial entity or its business operations.

60 3. Has not been disclosed except as required by law or a
 61 private agreement that provides that the information will not be
 62 released to the public.

63 4. Is not publicly available or otherwise readily
 64 ascertainable through proper means from another source in the
 65 same configuration as received by the department.

66 5. Reveals competitive interests, the disclosure of which
 67 would impair the competitive advantage of the commercial entity
 68 who is the subject of the information.

69 (e) This subsection is subject to the Open Government
 70 Sunset Review Act in accordance with s. 119.15 and shall stand
 71 repealed on October 2, 2029, unless reviewed and saved from
 72 repeal through reenactment by the Legislature.

73 Section 2. The Legislature finds that it is a public
 74 necessity that all information held by the Department of Legal
 75 Affairs pursuant to a notification of a violation of s.

76 501.1737, Florida Statutes, or an investigation of a violation
 77 of that section, be made confidential and exempt from s.
 78 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 79 State Constitution for the following reasons:

80 (1) A notification of a violation of s. 501.1737, Florida
 81 Statutes, may result in an investigation of such violation. The
 82 premature release of such information could frustrate or thwart
 83 the investigation and impair the ability of the department to
 84 effectively and efficiently administer s. 501.1737, Florida
 85 Statutes. In addition, release of such information before
 86 completion of an active investigation could jeopardize the
 87 ongoing investigation.

88 (2) Release of information that is otherwise confidential
 89 or exempt from public records requirements once an investigation
 90 is completed or ceases to be active would undo the specific
 91 statutory exemption protecting that information; thus,
 92 clarifying that any protections currently afforded to that
 93 information are not removed.

94 (3) An investigation of a violation of s. 501.1737,
 95 Florida Statutes, is likely to result in the gathering of
 96 sensitive personal identifying information, which could include
 97 identification numbers, unique identifiers, professional or
 98 employment-related information, and personal financial
 99 information. Such information could be used for the purpose of
 100 identity theft. The release of such information could subject

101 individuals to possible privacy violations, as it would reveal
102 information of a sensitive personal nature.

103 (4) Notices received by the department and information
104 generated during an investigation of a violation of s. 501.1737,
105 Florida Statutes, are likely to contain proprietary information.
106 Such information derives independent, economic value, actual or
107 potential, from being generally unknown to, and not readily
108 ascertainable by, other persons who might obtain economic value
109 from its disclosure or use. Allowing public access to
110 proprietary information through a public records request could
111 destroy the value of the proprietary information and cause a
112 financial loss to the commercial entity. Release of such
113 information could give business competitors an unfair advantage.

114 (5) Information held by the department may contain a
115 computer forensic report or information that could reveal
116 weaknesses in the data security of the commercial entity. The
117 release of this information could result in the identification
118 of vulnerabilities in the cybersecurity system of the commercial
119 entity and be used to harm the commercial entity and clients.

120 (6) The harm that may result from the release of
121 information held by the department pursuant to a notification or
122 investigation by the department of a violation of s. 501.1737,
123 Florida Statutes, could impair the effective and efficient
124 administration of the investigation and thus, outweighs the
125 public benefit that may be derived from the disclosure of the

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126 | information.

127 | Section 3. This act shall take effect on the same date
128 | that HB 3 or similar legislation takes effect, if such
129 | legislation is adopted in the same legislative session or an
130 | extension thereof and becomes a law.