

1 A bill to be entitled
 2 An act relating to public records; transferring,
 3 renumbering, and amending ss. 24.105(12) and
 4 24.118(4), F.S.; exempting from public records
 5 requirements certain security information held by the
 6 Department of the Lottery, information about lottery
 7 games, personal identifying information of retailers
 8 and vendors for purposes of background checks, and
 9 certain financial information held by the department;
 10 providing for retroactive application; providing for
 11 future legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing a
 13 directive to the Division of Law Revision and
 14 Information; providing an effective date.

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

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 18 Section 1. Paragraphs (a), (b), and (c) of subsection (12)
 19 of section 24.105, Florida Statutes, are transferred, renumbered
 20 as subsections (1), (2), and (3), respectively, of section
 21 24.1051, Florida Statutes, and amended, and subsection (4) of
 22 section 24.118, Florida Statutes, is transferred, renumbered as
 23 subsection (4) of section 24.1051, Florida Statutes, and
 24 amended, to read:

25 24.1051 Exemptions from inspection or copying of public

26 records.-

27 (1) (a) ~~(12) (a)~~ The following information held by the
 28 department Determine by rule information relating to the
 29 operation of the lottery which is confidential and exempt from
 30 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 31 Constitution:-

32 1. Such Information that, if released, could harm the
 33 security or integrity of the department, including:

34 a. Information relating to the ~~includes trade secrets;~~
 35 security of the department's technologies, processes, and
 36 practices designed to protect networks, computers, data
 37 processing software, data, and data ~~measures,~~ systems from
 38 attack, damage, or unauthorized access. ~~procedures;~~

39 b. Security ~~reports;~~ information or information that would
 40 reveal security measures of the department, whether physical or
 41 virtual.

42 c. Information about lottery games, promotions, tickets,
 43 and ticket stock, including information concerning the
 44 description, design, production, printing, packaging, shipping,
 45 delivery, storage, and validation.

46 d. Information concerning terminals, machines, and devices
 47 that issue tickets.

48 2. Information that must be maintained as confidential in
 49 order for the department to participate in a multistate lottery
 50 association or game.

51 3. Personal identifying information obtained by the
52 department when processing background investigations of current
53 or potential retailers or vendors.

54 4. Financial bids or other contractual data, the
55 disclosure of which would impair the efforts of the department
56 to contract for goods or services on favorable terms; employee
57 personnel information unrelated to compensation, duties,
58 qualifications, or responsibilities; and information about an
59 entity which is not publicly available and is provided to the
60 department in connection with its review of the financial
61 responsibility of the entity obtained by the Division of
62 Security pursuant to s. 24.111 or s. 24.112, provided that the
63 entity marks such information as confidential. However,
64 financial information related to any contract or agreement, or
65 an addendum thereto, with the department, including the amount
66 of money paid, any payment structure or plan, expenditures,
67 incentives, bonuses, fees, and penalties, shall be public
68 record.

69 (b) This exemption is remedial in nature, and it is the
70 intent of the Legislature that this exemption apply to
71 information held by the department before, on, or after the
72 effective date of this act.

73 (c) Information made confidential and exempt under this
74 subsection its investigations which is otherwise confidential.
75 To be deemed confidential, the information must be necessary to

76 | ~~the security and integrity of the lottery. Confidential~~
 77 | ~~information~~ may be released to other governmental entities as
 78 | needed in connection with the performance of their duties. The
 79 | receiving governmental entity shall maintain the confidential
 80 | and exempt status ~~retain the confidentiality~~ of such information
 81 | ~~as provided for in this subsection.~~

82 | (d) This subsection is subject to the Open Government
 83 | Sunset Review Act in accordance with s. 119.15 and shall stand
 84 | repealed on October 2, 2023, unless reviewed and saved from
 85 | repeal through reenactment by the Legislature.

86 | (2)(b) ~~Maintain the confidentiality of~~ The street address
 87 | and the telephone number of a winner are, ~~in that such~~
 88 | ~~information is~~ confidential and exempt from ~~the provisions of~~ s.
 89 | 119.07(1) and s. 24(a), Art. I of the State Constitution, unless
 90 | the winner consents to the release of such information or as
 91 | provided for in s. 24.115(4) or s. 409.2577.

92 | (3)(e) Any information made confidential and exempt ~~from~~
 93 | ~~the provisions of s. 119.07(1)~~ under this section ~~subsection~~
 94 | shall be disclosed to the Auditor General, to the Office of
 95 | Program Policy Analysis and Government Accountability, or to the
 96 | independent auditor selected under s. 24.123 upon such person's
 97 | request therefor. If the President of the Senate or the Speaker
 98 | of the House of Representatives certifies that information made
 99 | confidential and exempt under this section ~~subsection~~ is
 100 | necessary for effecting legislative changes, the requested

101 information shall be disclosed to him or her, and he or she may
 102 disclose such information to members of the Legislature and
 103 legislative staff as necessary to effect such purpose.

104 (4) ~~BREACH OF CONFIDENTIALITY.~~—Any person who, with intent
 105 to defraud or with intent to provide a financial or other
 106 advantage to himself, herself, or another, knowingly and
 107 willfully discloses any information relating to the lottery
 108 designated as confidential and exempt from ~~the provisions of s.~~
 109 119.07(1) and s. 24(a), Art. I of the State Constitution
 110 pursuant to this act is guilty of a felony of the first degree,
 111 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

112 Section 2. (1) The Legislature finds that it is a public
 113 necessity that the following information be made confidential
 114 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 115 Article I of the State Constitution:

116 (a) Information relating to the security of the Department
 117 of the Lottery. Ensuring the security and integrity of lottery
 118 operations safeguards against players gaining an unfair
 119 advantage over other players and enables the department to
 120 operate in a manner consistent with the dignity of the state
 121 lottery. If such security information were made available to the
 122 public, the integrity and efficiency of the lottery would be
 123 jeopardized and the effective and efficient administration of
 124 the lottery would be significantly impaired. For these reasons,
 125 the Legislature finds that it is a public necessity to maintain

126 the confidential and exempt status of such information.
127 Maintaining the effective and efficient administration of the
128 lottery is a sufficiently compelling purpose to override the
129 strong public policy of open government and cannot be
130 accomplished without this exemption.

131 (b) Information required to be held confidential in order
132 for the department to participate in multistate games and
133 associations. The department is authorized to enter into
134 agreements with other states for the operation and promotion of
135 a multistate lottery and without the exemption, the department
136 would be unable to join certain associations and games, thus
137 causing the state to miss opportunities to generate revenue for
138 education. As a result, the effective and efficient
139 administration of the lottery would be significantly impaired if
140 the confidentiality of these records is not maintained. For
141 these reasons, the Legislature finds that it is a public
142 necessity to maintain the confidential and exempt status of such
143 information. Maintaining the effective and efficient
144 administration of the lottery is a sufficiently compelling
145 purpose to override the strong public policy of open government
146 and cannot be accomplished without this exemption.

147 (c) Personal identifying information of current or
148 potential retailers and vendors for purposes of processing
149 background investigations. The release of such sensitive
150 personal information could cause great financial harm to an

151 individual and his or her family, cause unwarranted damage to
152 the good name and reputation of such individuals, and increase
153 the risk of identity theft. Without the exemption, current and
154 potential retailers and vendors may be reluctant to participate
155 as a department retailer or vendor, and the effective and
156 efficient administration of the lottery would be significantly
157 impaired. For these reasons, the Legislature finds that it is a
158 public necessity to maintain the confidential and exempt status
159 of such information. Maintaining the effective and efficient
160 administration of the lottery and protecting sensitive personal
161 information concerning individuals are sufficiently compelling
162 purposes to override the strong public policy of open government
163 and cannot be accomplished without this exemption.

164 (d) Financial information about an entity that is not
165 publicly available and is provided to the department in
166 connection with its review of the financial responsibility of
167 the entity. The release of such information could harm the
168 business operations of entities the department wishes to
169 contract with, injure those entities in the marketplace, and
170 decrease the likelihood that such entities work with the
171 department. As a result, the effective and efficient
172 administration of the lottery would be significantly impaired
173 without maintaining the confidentiality of such financial
174 information. For these reasons, the Legislature finds that it is
175 a public necessity to maintain the confidential and exempt

176 status of such information. Maintaining the effective and
177 efficient administration of the lottery and protecting such
178 confidential information concerning entities are sufficiently
179 compelling purposes to override the strong public policy of open
180 government and cannot be accomplished without this exemption.

181 (2) The Legislature further finds that these public record
182 exemptions must be given retroactive application because they
183 are remedial in nature.

184 Section 3. The Division of Law Revision and Information is
185 directed to replace the phrase "the effective date of this act"
186 wherever it occurs in this act with the date the act becomes a
187 law.

188 Section 4. This act shall take effect upon becoming a law.