

By the Committee on Innovation, Industry, and Technology

580-04147-19

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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
 13 applicability; providing a directive to the Division
 14 of Law Revision; providing an effective date.

15
 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

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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 disclosure
55 of which would impair the efforts of the department to contract
56 for goods or services on favorable terms; employee personnel
57 information unrelated to compensation, duties, qualifications,
58 or responsibilities; and information about an entity which is

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59 not publicly available and is provided to the department in
60 connection with its review of the financial responsibility of
61 the entity ~~obtained by the Division of Security pursuant to s.~~
62 24.111 or s. 24.112, provided that the entity marks such
63 information as confidential. However, financial information
64 related to any contract or agreement, or an addendum thereto,
65 with the department, including the amount of money paid, any
66 payment structure or plan, expenditures, incentives, bonuses,
67 fees, and penalties, shall be public record.

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

72 (c) Information made confidential and exempt under this
73 subsection ~~its investigations which is otherwise confidential.~~
74 ~~To be deemed confidential, the information must be necessary to~~
75 ~~the security and integrity of the lottery. Confidential~~
76 ~~information~~ may be released to other governmental entities as
77 needed in connection with the performance of their duties. The
78 receiving governmental entity shall maintain the confidential
79 and exempt status ~~retain the confidentiality~~ of such information
80 as ~~provided for in this subsection.~~

81 (d) This subsection is subject to the Open Government
82 Sunset Review Act in accordance with s. 119.15 and shall stand
83 repealed on October 2, 2024, unless reviewed and saved from
84 repeal through reenactment by the Legislature.

85 (2)(b) ~~Maintain the confidentiality of~~ The street address
86 and the telephone number of a winner are, ~~in that such~~
87 ~~information is~~ confidential and exempt from ~~the provisions of s.~~

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88 119.07(1) and s. 24(a), Art. I of the State Constitution, unless
89 the winner consents to the release of such information or as
90 provided for in s. 24.115(4) or s. 409.2577.

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

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

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

115 (a) Information relating to the security of the Department
116 of the Lottery. Ensuring the security and integrity of lottery

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117 operations safeguards against players gaining an unfair
118 advantage over other players and enables the department to
119 operate in a manner consistent with the dignity of the state
120 lottery. If such security information were made available to the
121 public, the integrity and efficiency of the lottery would be
122 jeopardized and the effective and efficient administration of
123 the lottery would be significantly impaired. For these reasons,
124 the Legislature finds that it is a public necessity to maintain
125 the confidential and exempt status of such information.
126 Maintaining the effective and efficient administration of the
127 lottery is a sufficiently compelling purpose to override the
128 strong public policy of open government and cannot be
129 accomplished without this exemption.

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

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

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

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

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

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

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