

**FOR CONSIDERATION** By the Committee on Innovation, Industry, and Technology

580-03437-19

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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.