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HB 7121

2019 Legislature

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 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; providing
 14 an effective date.

15
 16 Be It Enacted by the Legislature of the State of Florida:

17
 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

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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 of such games, promotions,
 46 | tickets, and stock.

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

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

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51 association or game.

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

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

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

74 (c) Information made confidential and exempt under this
75 subsection its investigations which is otherwise confidential.

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

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

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

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

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

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

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

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

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

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

148 | (c) Personal identifying information of current or
149 | potential retailers and vendors for purposes of processing
150 | background investigations. The release of such sensitive

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

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

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

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

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

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