

26 construed in conformity with s. 119.071(2) (c).

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

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

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

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

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

46 1. All information to which another public records
47 exemption applies.

48 2. Personal information.

49 3. A computer forensic report.

50 4. Information that would otherwise reveal weaknesses in

51 the data security of a controller, processor, or person.

52 5. Information that would disclose the proprietary
53 information of a controller, processor, or person.

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

56 1. Is owned or controlled by the controller, processor, or
57 person.

58 2. Is intended to be private and is treated by the
59 controller, processor, or person as private because disclosure
60 would harm the controller, processor, or person or its business
61 operations.

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

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

68 5. Includes:

69 a. Trade secrets as defined in s. 688.002.

70 b. Competitive interests, the disclosure of which would
71 impair the competitive advantage of the controller, processor,
72 or person who is the subject of the information.

73 (e) This subsection is subject to the Open Government
74 Sunset Review Act in accordance with s. 119.15 and shall stand
75 repealed on October 2, 2027, unless reviewed and saved from

76 repeal through reenactment by the Legislature.

77 Section 2. The Legislature finds that it is a public
78 necessity that all information received by the Department of
79 Legal Affairs pursuant to a notification of a violation of s.
80 501.173, Florida Statutes, or received by the department
81 pursuant to an investigation by the department or a law
82 enforcement agency of a violation of s. 501.173, Florida
83 Statutes, be made confidential and exempt from s. 119.07(1),
84 Florida Statutes, and s. 24(a), Article I of the State
85 Constitution for the following reasons:

86 (1) A notification of a violation of s. 501.173, Florida
87 Statutes, may result in an investigation of such violation. The
88 premature release of such information could frustrate or thwart
89 the investigation and impair the ability of the department to
90 effectively and efficiently administer s. 501.173, Florida
91 Statutes. In addition, release of such information before
92 completion of an active investigation could jeopardize the
93 ongoing investigation.

94 (2) The Legislature finds that it is a public necessity to
95 continue to protect from public disclosure all information to
96 which another public record exemption applies once an
97 investigation is completed or ceases to be active. Release of
98 such information by the department would undo the specific
99 statutory exemption protecting that information.

100 (3) An investigation of a violation of s. 501.173, Florida

101 Statutes, is likely to result in the gathering of sensitive
102 personal information, including identification numbers, unique
103 identifiers, professional or employment-related information, and
104 personal financial information. Such information could be used
105 for the purpose of identity theft. The release of such
106 information could subject possible victims of data privacy
107 violations to further harm.

108 (4) Notices received by the department and information
109 received during an investigation of a violation of s. 501.173,
110 Florida Statutes, are likely to contain proprietary information.
111 Such information, including trade secrets, derives independent,
112 economic value, actual, or potential, from being generally
113 unknown to, and not readily ascertainable by, other persons who
114 might obtain economic value from its disclosure or use. Allowing
115 public access to proprietary information, including a trade
116 secret, through a public records request could destroy the value
117 of the proprietary information and cause a financial loss to the
118 controller, processor, or person submitting the information.
119 Release of such information could give business competitors an
120 unfair advantage and weaken the position of the entity supplying
121 the proprietary information in the marketplace.

122 (5) Information received by the department may contain a
123 computer forensic report or information that could reveal
124 weaknesses in the data security of a controller, processor, or
125 person. The release of this information could result in the

126 | identification of vulnerabilities in the cybersecurity system of
127 | the controller, processor, or person and be used to harm the
128 | controller, processor, or person and clients.

129 | (6) The Legislature finds that the harm that may result
130 | from the release of information received by the department
131 | pursuant to a notification or investigation by the department or
132 | a law enforcement agency of a violation of s. 501.173, Florida
133 | Statutes, could impair the effective and efficient
134 | administration of the investigation and thus, outweighs the
135 | public benefit that may be derived from the disclosure of the
136 | information.

137 | Section 3. This act shall take effect on the same date
138 | that CS/CS/CS/HB 969 or similar legislation takes effect, if
139 | such legislation is adopted in the same legislative session or
140 | an extension thereof and becomes a law.