



698496

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/16/2024	.	
Floor: 1/AD/2R	.	Floor: C
02/21/2024 06:41 PM	.	02/22/2024 05:16 PM
	.	

The Committee on Fiscal Policy (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsection (9) of section 501.1736,
Florida Statutes, as created by HB 1 or similar legislation,
2024 Regular Session, is redesignated as subsection (10), and a
new subsection (9) is added to that section, to read:

501.1736 Social media use for minors.—

(9) (a) All information held by the department pursuant to a



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11 notification of a violation under this section or an
12 investigation of a violation of this section is confidential and
13 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
14 Constitution, until such time as the investigation is completed
15 or ceases to be active. This exemption shall be construed in
16 conformity with s. 119.071(2)(c).

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

20 1. In the furtherance of its official duties and
21 responsibilities;

22 2. For print, publication, or broadcast if the department
23 determines that such release would assist in notifying the
24 public or locating or identifying a person that the department
25 believes to be a victim of an improper use or disposal of
26 customer records, except that information made confidential and
27 exempt by paragraph (c) may not be released pursuant to this
28 subparagraph; or

29 3. To another governmental entity in the furtherance of its
30 official duties and responsibilities.

31 (c) Upon completion of an investigation or once an
32 investigation ceases to be active, the following information
33 held by the department shall remain confidential and exempt from
34 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

35 1. Information that is otherwise confidential or exempt
36 from s. 119.07(1) and s. 24(a), Art. I of the State
37 Constitution.

38 2. Personal identifying information.

39 3. A computer forensic report.



40 4. Information that would otherwise reveal weaknesses in
41 the data security of a social media platform.

42 5. Information that would disclose the proprietary
43 information of a social media platform.

44 (d) For purposes of this section, the term "proprietary
45 information" means information that:

46 1. Is owned or controlled by the social media platform.

47 2. Is intended to be private and is treated by the social
48 media platform as private because disclosure would harm the
49 social media platform or its business operations.

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

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

56 5. Reveals competitive interests, the disclosure of which
57 would impair the competitive advantage of the social media
58 platform that is the subject of the information.

59 (e) This subsection is subject to the Open Government
60 Sunset Review Act in accordance with s. 119.15 and shall stand
61 repealed on October 2, 2029, unless reviewed and saved from
62 repeal through reenactment by the Legislature.

63 Section 2. The Legislature finds that it is a public
64 necessity that all information held by the Department of Legal
65 Affairs pursuant to a notification of a violation of s.
66 501.1736, Florida Statutes, or an investigation of a violation
67 of that section, be made confidential and exempt from s.
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the



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69 State Constitution for the following reasons:

70 (1) A notification of a violation of s. 501.1736, Florida
71 Statutes, may result in an investigation of such violation. The
72 premature release of such information could frustrate or thwart
73 the investigation and impair the ability of the department to
74 effectively and efficiently administer s. 501.1736, Florida
75 Statutes. In addition, release of such information before
76 completion of an active investigation could jeopardize the
77 ongoing investigation.

78 (2) Release of information that is otherwise confidential
79 or exempt from public records requirements once an investigation
80 is completed or ceases to be active would undo the specific
81 statutory exemption protecting that information, thus clarifying
82 that any protections currently afforded to such information are
83 not removed.

84 (3) An investigation of a violation of s. 501.1736, Florida
85 Statutes, is likely to result in the gathering of sensitive
86 personal identifying information, which could include
87 identification numbers, unique identifiers, professional or
88 employment-related information, and personal financial
89 information. Such information could be used for the purpose of
90 identity theft. The release of such information could subject
91 families to possible privacy violations, as it would reveal
92 information of a sensitive personal nature.

93 (4) Notices received by the department and information
94 generated during an investigation of a violation of s. 501.1736,
95 Florida Statutes, are likely to contain proprietary information.
96 Such information derives independent, economic value, actual or
97 potential, from being generally unknown to, and not readily



98 ascertainable by, other persons who might obtain economic value
99 from its disclosure or use. Allowing public access to
100 proprietary information through a public records request could
101 destroy the value of the proprietary information and cause a
102 financial loss to the social media platform. Release of such
103 information could give business competitors an unfair advantage.

104 (5) Information held by the department may contain a
105 computer forensic report or information that could reveal
106 weaknesses in the data security of a social media platform. The
107 release of this information could result in the identification
108 of vulnerabilities in the cybersecurity system of the social
109 media platform and be used to harm the social media platform and
110 its clients.

111 (6) The harm that may result from the release of
112 information held by the department pursuant to a notification or
113 investigation of a violation of s. 501.1736, Florida Statutes,
114 could impair the effective and efficient administration of the
115 investigation and thus outweighs the public benefit that may be
116 derived from the disclosure of the information.

117 Section 3. Present subsection (8) of section 501.1737,
118 Florida Statutes, as created by HB 1 or similar legislation,
119 2024 Regular Session, is redesignated as subsection (9), and a
120 new subsection (8) is added to that section, to read:

121 501.1737 Age verification for online access to materials
122 harmful to minors.—

123 (8) (a) All information held by the department pursuant to a
124 notification of a violation under this section or an
125 investigation of a violation of this section is confidential and
126 exempt from s. 119.07(1) and s. 24(a), Art. I of the State



127 Constitution, until such time as the investigation is completed
128 or ceases to be active. This exemption shall be construed in
129 conformity with s. 119.071(2)(c).

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

133 1. In the furtherance of its official duties and
134 responsibilities;

135 2. For print, publication, or broadcast if the department
136 determines that such release would assist in notifying the
137 public or locating or identifying a person whom the department
138 believes to be a victim of an improper use or disposal of
139 customer records, except that information made confidential and
140 exempt by paragraph (c) may not be released pursuant to this
141 subparagraph; or

142 3. To another governmental entity in the furtherance of its
143 official duties and responsibilities.

144 (c) Upon completion of an investigation or once an
145 investigation ceases to be active, the following information
146 held by the department shall remain confidential and exempt from
147 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

148 1. Information that is otherwise confidential or exempt
149 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

150 2. Personal identifying information.

151 3. A computer forensic report.

152 4. Information that would otherwise reveal weaknesses in
153 the data security of the commercial entity.

154 5. Information that would disclose the proprietary
155 information of the commercial entity.



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

158 1. Is owned or controlled by the commercial entity.

159 2. Is intended to be private and is treated by the
160 commercial entity as private because disclosure would harm the
161 commercial entity or its business operations.

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

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

168 5. Reveals competitive interests, the disclosure of which
169 would impair the competitive advantage of the commercial entity
170 that is the subject of the information.

171 (e) This subsection is subject to the Open Government
172 Sunset Review Act in accordance with s. 119.15 and shall stand
173 repealed on October 2, 2029, unless reviewed and saved from
174 repeal through reenactment by the Legislature.

175 Section 4. The Legislature finds that it is a public
176 necessity that all information held by the Department of Legal
177 Affairs pursuant to a notification of a violation of s.
178 501.1737, Florida Statutes, or an investigation of a violation
179 of that section, be made confidential and exempt from s.
180 119.07(1), Florida Statutes, and s. 24(a), Article I of the
181 State Constitution for the following reasons:

182 (1) A notification of a violation of s. 501.1737, Florida
183 Statutes, may result in an investigation of such violation. The
184 premature release of such information could frustrate or thwart



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185 the investigation and impair the ability of the department to
186 effectively and efficiently administer s. 501.1737, Florida
187 Statutes. In addition, release of such information before
188 completion of an active investigation could jeopardize the
189 ongoing investigation.

190 (2) Release of information that is otherwise confidential
191 or exempt from public records requirements once an investigation
192 is completed or ceases to be active would undo the specific
193 statutory exemption protecting that information, thus clarifying
194 that any protections currently afforded to that information are
195 not removed.

196 (3) An investigation of a violation of s. 501.1737, Florida
197 Statutes, is likely to result in the gathering of sensitive
198 personal identifying information, which could include
199 identification numbers, unique identifiers, professional or
200 employment-related information, and personal financial
201 information. Such information could be used for the purpose of
202 identity theft. The release of such information could subject
203 individuals to possible privacy violations, as it would reveal
204 information of a sensitive personal nature.

205 (4) Notices received by the department and information
206 generated during an investigation of a violation of s. 501.1737,
207 Florida Statutes, are likely to contain proprietary information.
208 Such information derives independent, economic value, actual or
209 potential, from being generally unknown to, and not readily
210 ascertainable by, other persons who might obtain economic value
211 from its disclosure or use. Allowing public access to
212 proprietary information through a public records request could
213 destroy the value of the proprietary information and cause a



214 financial loss to the commercial entity. Release of such
215 information could give business competitors an unfair advantage.

216 (5) Information held by the department may contain a
217 computer forensic report or information that could reveal
218 weaknesses in the data security of the commercial entity. The
219 release of this information could result in the identification
220 of vulnerabilities in the cybersecurity system of the commercial
221 entity and be used to harm the commercial entity and its
222 clients.

223 (6) The harm that may result from the release of
224 information held by the department pursuant to a notification or
225 investigation by the department of a violation of s. 501.1737,
226 Florida Statutes, could impair the effective and efficient
227 administration of the investigation and thus outweighs the
228 public benefit that may be derived from the disclosure of the
229 information.

230 Section 5. This act shall take effect on the same date that
231 HB 1 or similar legislation takes effect, if such legislation is
232 adopted in the same legislative session or an extension thereof
233 and becomes a law.

234
235 ===== T I T L E A M E N D M E N T =====

236 And the title is amended as follows:

237 Delete everything before the enacting clause
238 and insert:

239 A bill to be entitled
240 An act relating to public records; amending s.
241 501.1736, F.S.; providing an exemption from public
242 records requirements for information relating to



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243 investigations by the Department of Legal Affairs of
244 certain social media violations; authorizing the
245 department to disclose such information for specified
246 purposes; defining the term "proprietary information";
247 providing for future legislative review and repeal of
248 the exemption; providing a statement of public
249 necessity; amending s. 501.1737, F.S.; providing an
250 exemption from public records requirements for
251 information relating to investigations by the
252 Department of Legal Affairs of certain age
253 verification violations; authorizing the department to
254 disclose such information for specified purposes;
255 defining the term "proprietary information"; providing
256 for future legislative review and repeal of the
257 exemption; providing a statement of public necessity;
258 providing a contingent effective date.