

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 501.1736, F.S.; providing an exemption from public
 4 records requirements for information relating to
 5 investigations by the Department of Legal Affairs and
 6 law enforcement agencies of certain data privacy
 7 violations; providing a definition; providing for
 8 future legislative review and repeal of the exemption;
 9 providing a statement of public necessity; providing a
 10 contingent effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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 14 Section 1. Subsection (8) of section 501.1736, Florida
 15 Statutes, as created by HB 1 or similar legislation, 2024
 16 Regular Session, is renumbered as subsection (9) and a new
 17 subsection (8) is added to that section to read:

18 501.1736 Social media use for minors.—

19 (8)(a) All information received by the department pursuant
 20 to a notification of a violation under this section, or received
 21 by the department pursuant to an investigation by the department
 22 or a law enforcement agency of a violation of this section, is
 23 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 24 of the State Constitution, until such time as the investigation
 25 is completed or ceases to be active. This exemption shall be

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 an 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 social media platform.

52 5. Information that would disclose the proprietary
53 information of a social media platform.

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

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

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

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

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

66 5. Includes:

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

68 b. Competitive interests, the disclosure of which would
69 impair the competitive advantage of the social media platform
70 who is the subject of the information.

71 (e) This section is subject to the Open Government Sunset
72 Review Act in accordance with s. 119.15 and shall stand repealed
73 on October 2, 2029, unless reviewed and saved from repeal
74 through reenactment by the Legislature.

75 Section 2. The Legislature finds that it is a public

76 necessity that all information received by the Department of
77 Legal Affairs pursuant to a notification of a violation of s.
78 501.1736, Florida Statutes, or received by the department
79 pursuant to an investigation by the department or a law
80 enforcement agency of a violation of that section, be made
81 confidential and exempt from s. 119.07(1), Florida Statutes, and
82 s. 24(a), Article I of the State Constitution for the following
83 reasons:

84 (1) A notification of a violation of s. 501.1736, Florida
85 Statutes, may result in an investigation of such violation. The
86 premature release of such information could frustrate or thwart
87 the investigation and impair the ability of the department to
88 effectively and efficiently administer s. 501.1736, Florida
89 Statutes. In addition, release of such information before
90 completion of an active investigation could jeopardize the
91 ongoing investigation.

92 (2) Release of information to which another public records
93 exemption applies once an investigation is completed or ceases
94 to be active would undo the specific statutory exemption
95 protecting that information.

96 (3) An investigation of a violation of s. 501.1736,
97 Florida Statutes, is likely to result in the gathering of
98 sensitive personal information, including identification
99 numbers, unique identifiers, professional or employment-related
100 information, and personal financial information. Such

101 information could be used for the purpose of identity theft. The
102 release of such information could subject possible victims of
103 data privacy violations to further harm.

104 (4) Notices received by the department and information
105 received during an investigation of a violation of s. 501.1736,
106 Florida Statutes, are likely to contain proprietary information.
107 Such information, including trade secrets, derives independent,
108 economic value, actual or potential, from being generally
109 unknown to, and not readily ascertainable by, other persons who
110 might obtain economic value from its disclosure or use. Allowing
111 public access to proprietary information, including a trade
112 secret, through a public records request could destroy the value
113 of the proprietary information and cause a financial loss to the
114 social media platform. Release of such information could give
115 business competitors an unfair advantage.

116 (5) Information received by the department may contain a
117 computer forensic report or information that could reveal
118 weaknesses in the data security of a social media platform. The
119 release of this information could result in the identification
120 of vulnerabilities in the cybersecurity system of the social
121 media platform and be used to harm the social media platform and
122 clients.

123 (6) The harm that may result from the release of
124 information received by the department pursuant to a
125 notification or investigation by the department or a law

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126 | enforcement agency of a violation of s. 501.1736, Florida
127 | Statutes, could impair the effective and efficient
128 | administration of the investigation and thus, outweighs the
129 | public benefit that may be derived from the disclosure of the
130 | information.

131 | Section 3. This act shall take effect on the same date
132 | that HB 1 or similar legislation takes effect, if such
133 | legislation is adopted in the same legislative session or an
134 | extension thereof and becomes a law.