

26 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 an improper use or disposal of
 36 customer records, except that information made confidential and
 37 exempt by paragraph (c) may not be released pursuant to this
 38 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 held by the department shall remain confidential and exempt from
 44 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

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

48 2. Personal identifying 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. Reveals competitive interests, the disclosure of which
67 would impair the competitive advantage of the social media
68 platform who is the subject of the information.

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71 repealed on October 2, 2029, unless reviewed and saved from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

73 Section 2. The Legislature finds that it is a public
74 necessity that all information held by the Department of Legal
75 Affairs pursuant to a notification of a violation of s.

76 501.1736, Florida Statutes, or an investigation of a violation
 77 of that section, be made confidential and exempt from s.
 78 119.07(1), Florida Statutes, and s. 24(a), Article I of the
 79 State Constitution for the following reasons:

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

88 (2) Release of information that is otherwise confidential
 89 or exempt from public records requirements once an investigation
 90 is completed or ceases to be active would undo the specific
 91 statutory exemption protecting that information; thus,
 92 clarifying that any protections currently afforded to such
 93 information are not removed.

94 (3) An investigation of a violation of s. 501.1736,
 95 Florida Statutes, is likely to result in the gathering of
 96 sensitive personal identifying information, which could include
 97 identification numbers, unique identifiers, professional or
 98 employment-related information, and personal financial
 99 information. Such information could be used for the purpose of
 100 identity theft. The release of such information could subject

101 families to possible privacy violations, as it would reveal
102 information of a sensitive personal nature.

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

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

121 (6) The harm that may result from the release of
122 information held by the department pursuant to a notification or
123 investigation of a violation of s. 501.1736, Florida Statutes,
124 could impair the effective and efficient administration of the
125 investigation and thus, outweighs the public benefit that may be

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126 | derived from the disclosure of the information.

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