

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 of  
 6           certain social media violations; authorizing the  
 7           department to disclose such information for specified  
 8           purposes; providing a definition; providing for future  
 9           legislative review and repeal of the exemption;  
 10          providing a statement of public necessity; providing a  
 11          contingent effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Subsection (9) of section 501.1736, Florida  
 16 Statutes, as created by HB 1 or similar legislation, 2024  
 17 Regular Session, is renumbered as subsection (10) and a new  
 18 subsection (9) is added to that section to read:

19           501.1736 Social media use for minors.—

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

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

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.