

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
 2 Representative McFarland offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsection (8) of section 501.174, Florida
 7 Statutes, as created by HB 1459 or similar legislation, 2024
 8 Regular Session, is renumbered as subsection (9) and a new
 9 subsection (8) is added to that section to read:

501.174 Artificial intelligence transparency.—

11 (8)(a) All information held by the department pursuant to
 12 a notification of a violation under this section or an
 13 investigation of a violation of this section is confidential and
 14 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 15 Constitution, until such time as the investigation is completed

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16 or ceases to be active. This exemption shall be construed in
17 conformity with s. 119.071(2)(c).

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

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

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

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

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

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

39 2. Personal identifying information.

40 3. A computer forensic report.

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41 4. Information that would otherwise reveal weaknesses in
42 the data security of an entity or person.

43 5. Information that would disclose the proprietary
44 information of an entity or person.

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

47 1. Is owned or controlled by the entity or person.

48 2. Is intended to be private and is treated by the entity
49 or person as private because disclosure would harm the entity or
50 person or its business operations.

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

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

57 5. Reveals competitive interests, the disclosure of which
58 would impair the competitive advantage of the entity or person
59 who is the subject of the information.

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

64 Section 2. The Legislature finds that it is a public
65 necessity that all information held by the Department of Legal

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66 Affairs pursuant to a notification of a violation of s.
67 501.1736, Florida Statutes, or an investigation of a violation
68 of that section, be made confidential and exempt from s.
69 119.07(1), Florida Statutes, and s. 24(a), Article I of the
70 State Constitution for the following reasons:

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

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

85 (3) An investigation of a violation of s. 501.1736,
86 Florida Statutes, is likely to result in the gathering of
87 sensitive personal identifying information, which could include
88 identification numbers, unique identifiers, professional or
89 employment-related information, and personal financial
90 information. Such information could be used for the purpose of

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91 identity theft. The release of such information could subject
92 families to possible privacy violations, as it would reveal
93 information of a sensitive personal nature.

94 (4) Notices received by the department and information
95 generated during an investigation of a violation of s. 501.1736,
96 Florida Statutes, are likely to contain proprietary information.
97 Such information derives independent, economic value, actual or
98 potential, from being generally unknown to, and not readily
99 ascertainable by, other persons who might obtain economic value
100 from its disclosure or use. Allowing public access to
101 proprietary information through a public records request could
102 destroy the value of the proprietary information and cause a
103 financial loss to the entity or person. Release of such
104 information could give business competitors an unfair advantage.

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

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115 | investigation and thus, outweighs the public benefit that may be
116 | derived from the disclosure of the information.

117 | Section 3. This act shall take effect on the same date
118 | that HB 1459 or similar legislation takes effect, if such
119 | legislation is adopted in the same legislative session or an
120 | extension thereof and becomes a law.

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123 | **T I T L E A M E N D M E N T**

124 | Remove lines 5-6 and insert:

125 | investigations by the Department of Legal Affairs of certain
126 | artificial