

1 A bill to be entitled
2 An act relating to public records; amending s.
3 501.174, 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 artificial
7 intelligence transparency violations; providing a
8 definition; providing for future legislative review
9 and repeal of the exemption; providing a statement of
10 public necessity; providing a contingent effective
11 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 (10) of section 501.174, Florida
16 Statutes, as created by HB 1459 or similar legislation, 2024
17 Regular Session, is renumbered as subsection (11), and a new
18 subsection (10) is added to that section to read:

19 501.174 Artificial intelligence transparency.—

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

HB 1461

2024

26 investigation is completed or ceases to be active. This
27 exemption shall be construed in conformity with s.
28 119.071(2)(c).

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

32 1. In the furtherance of its official duties and
33 responsibilities;

34 2. For print, publication, or broadcast if the department
35 determines that such release would assist in notifying the
36 public or locating or identifying a person who the department
37 believes to be a victim of a data breach or an improper use or
38 disposal of customer records, except that information made
39 confidential and exempt by paragraph (c) may not be released
40 pursuant to this subparagraph; or

41 3. To another governmental entity in the furtherance of
42 its official duties and responsibilities.

43 (c) Upon completion of an investigation or once an
44 investigation ceases to be active, the following information
45 received by the department shall remain confidential and exempt
46 from s. 119.07(1) and s. 24(a), Art. I of the State
47 Constitution:

48 1. All information to which another public records
49 exemption applies.

50 2. Personal information.

51 3. A computer forensic report.

52 4. Information that would otherwise reveal weaknesses in
 53 the data security of the business operations of the entity or
 54 person.

55 5. Information that would disclose the proprietary
 56 information of the business operations of the entity or person.

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

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

60 2. Is intended to be private and is treated by the entity
 61 or person as private because disclosure would harm the entity or
 62 person.

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

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

69 5. Includes:

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

71 b. Competitive interests, the disclosure of which would
 72 impair the competitive advantage of the business operations of
 73 the entity or person who is the subject of the information.

74 (e) This subsection is subject to the Open Government
 75 Sunset Review Act in accordance with s. 119.15 and shall stand

76 repealed on October 2, 2029, unless reviewed and saved from
 77 repeal through reenactment by the Legislature.

78 Section 2. The Legislature finds that it is a public
 79 necessity that all information received by the Department of
 80 Legal Affairs pursuant to a notification of a violation of s.
 81 501.174, Florida Statutes, or received by the department
 82 pursuant to an investigation by the department or a law
 83 enforcement agency of a violation of that section, be made
 84 confidential and exempt from s. 119.07(1), Florida Statutes, and
 85 s. 24(a), Article I of the State Constitution for the following
 86 reasons:

87 (1) A notification of a violation of s. 501.174, Florida
 88 Statutes, may result in an investigation of such violation. The
 89 premature release of such information could frustrate or thwart
 90 the investigation and impair the ability of the department to
 91 effectively and efficiently administer s. 501.174, Florida
 92 Statutes. In addition, release of such information before
 93 completion of an active investigation could jeopardize the
 94 ongoing investigation.

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

99 (3) An investigation of a violation of s. 501.174, Florida
 100 Statutes, is likely to result in the gathering of sensitive

101 personal information, including identification numbers, unique
102 identifiers, professional or employment-related information, and
103 personal financial information. Such information could be used
104 for the purpose of identity theft. The release of such
105 information could subject possible victims of data privacy
106 violations to further harm.

107 (4) Notices received by the department and information
108 received during an investigation of a violation of s. 501.174,
109 Florida Statutes, are likely to contain proprietary information.
110 Such information, including trade secrets, derives independent,
111 economic value, actual or potential, from being generally
112 unknown to, and not readily ascertainable by, other persons who
113 might obtain economic value from its disclosure or use. Allowing
114 public access to proprietary information, including a trade
115 secret, through a public records request could destroy the value
116 of the proprietary information and cause a financial loss to the
117 entity or person. Release of such information could give
118 business competitors an unfair advantage.

119 (5) Information received by the department may contain a
120 computer forensic report or information that could reveal
121 weaknesses in the data security of the business operations of
122 the entity or person. The release of this information could
123 result in the identification of vulnerabilities in the
124 cybersecurity system of the business operations of the entity or
125 person and be used to harm the entity or person and clients.

HB 1461

2024

126 (6) The harm that may result from the release of
127 information received by the department pursuant to a
128 notification or investigation by the department or a law
129 enforcement agency of a violation of s. 501.174, Florida
130 Statutes, could impair the effective and efficient
131 administration of the investigation and thus, outweighs the
132 public benefit that may be derived from the disclosure of the
133 information.

134 Section 3. This act shall take effect on the same date
135 that HB 1459 or similar legislation takes effect, if such
136 legislation is adopted in the same legislative session or an
137 extension thereof and becomes a law.