

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 of
 6 certain artificial intelligence transparency
 7 violations; providing a definition; providing for
 8 future legislative review and repeal of the exemption;
 9 providing a statement of public necessity; providing
 10 an 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 501.174, Florida
 15 Statutes, as created by HB 1459 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:

18 501.174 Artificial intelligence transparency.—

19 (8)(a) All information held by the department pursuant to
 20 a notification of a violation under this section or an
 21 investigation of a violation of this section is confidential and
 22 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 23 Constitution, until such time as the investigation is completed
 24 or ceases to be active. This exemption shall be construed in
 25 conformity with s. 119.071(2)(c).

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

29 1. In the furtherance of its official duties and
 30 responsibilities;

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

38 3. To another governmental entity in the furtherance of
 39 its official duties and responsibilities.

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

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

47 2. Personal identifying information.

48 3. A computer forensic report.

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

51 5. Information that would disclose the proprietary
 52 information of an entity or person.

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

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

56 2. Is intended to be private and is treated by the entity
 57 or person as private because disclosure would harm the entity or
 58 person or its business operations.

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

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

65 5. Reveals competitive interests, the disclosure of which
 66 would impair the competitive advantage of the entity or person
 67 who is the subject of the information.

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

72 Section 2. The Legislature finds that it is a public
 73 necessity that all information held by the Department of Legal
 74 Affairs pursuant to a notification of a violation of s. 501.174,
 75 Florida Statutes, or an investigation of a violation of that

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

79 (1) A notification of a violation of s. 501.174, Florida
 80 Statutes, may result in an investigation of such violation. The
 81 premature release of such information could frustrate or thwart
 82 the investigation and impair the ability of the department to
 83 effectively and efficiently administer s. 501.174, Florida
 84 Statutes. In addition, release of such information before
 85 completion of an active investigation could jeopardize the
 86 ongoing investigation.

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

93 (3) An investigation of a violation of s. 501.174, Florida
 94 Statutes, is likely to result in the gathering of sensitive
 95 personal identifying information, which could include
 96 identification numbers, unique identifiers, professional or
 97 employment-related information, and personal financial
 98 information. Such information could be used for the purpose of
 99 identity theft. The release of such information could subject
 100 families to possible privacy violations, as it would reveal

101 information of a sensitive personal nature.

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

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

119 (6) The harm that may result from the release of
120 information held by the department pursuant to a notification or
121 investigation of a violation of s. 501.174, Florida Statutes,
122 could impair the effective and efficient administration of the
123 investigation and, thus, outweighs the public benefit that may
124 be derived from the disclosure of the information.

125 Section 3. This act shall take effect on the same date

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2024

126 | that HB 1459 or similar legislation takes effect, if such
127 | legislation is adopted in the same legislative session or an
128 | extension thereof and becomes a law.