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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
03/04/2024 02:35 PM	.	03/06/2024 06:18 PM
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Senator Grall moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsection (11) of section 501.1736,  
Florida Statutes, as created by HB 3 or similar legislation,  
2024 Regular Session, is redesignated as subsection (12), and a  
new subsection (11) is added to that section, to read:

501.1736 Social media use for minors.—

(11) (a) All information held by the department pursuant to  
a notification of a violation of this section or an



12 investigation of a violation of this section is confidential and  
13 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
14 Constitution, until such time as the investigation is completed  
15 or ceases to be active. This exemption shall be construed in  
16 conformity with s. 119.071(2)(c).

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

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

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

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

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

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

38 2. Personal identifying information.

39 3. A computer forensic report.

40 4. Information that would otherwise reveal weaknesses in



41 the data security of a social media platform.

42 5. Information that would disclose the proprietary  
43 information of a social media platform.

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

46 1. Is owned or controlled by the social media platform.

47 2. Is intended to be private and is treated by the social  
48 media platform as private because disclosure would harm the  
49 social media platform or its business operations.

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

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

56 5. Reveals competitive interests, the disclosure of which  
57 would impair the competitive advantage of the social media  
58 platform that is the subject of the information.

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

63 Section 2. The Legislature finds that it is a public  
64 necessity that all information held by the Department of Legal  
65 Affairs pursuant to a notification of a violation of s.  
66 501.1736, Florida Statutes, or an investigation of a violation  
67 of that section, be made confidential and exempt from s.  
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
69 State Constitution for the following reasons:



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

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

84           (3) An investigation of a violation of s. 501.1736, Florida  
85 Statutes, is likely to result in the gathering of sensitive  
86 personal identifying information, which could include  
87 identification numbers, unique identifiers, professional or  
88 employment-related information, and personal financial  
89 information. Such information could be used for the purpose of  
90 identity theft. The release of such information could subject  
91 families to possible privacy violations, as it would reveal  
92 information of a sensitive personal nature.

93           (4) Notices received by the department and information  
94 generated during an investigation of a violation of s. 501.1736,  
95 Florida Statutes, are likely to contain proprietary information.  
96 Such information derives independent, economic value, actual or  
97 potential, from being generally unknown to, and not readily  
98 ascertainable by, other persons who might obtain economic value



99 from its disclosure or use. Allowing public access to  
100 proprietary information through a public records request could  
101 destroy the value of the proprietary information and cause a  
102 financial loss to the social media platform. Release of such  
103 information could give business competitors an unfair advantage.

104 (5) Information held by the department may contain a  
105 computer forensic report or information that could reveal  
106 weaknesses in the data security of a social media platform. The  
107 release of this information could result in the identification  
108 of vulnerabilities in the cybersecurity system of the social  
109 media platform and be used to harm the social media platform and  
110 its 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  
115 investigation and thus outweighs the public benefit that may be  
116 derived from the disclosure of the information.

117 Section 3. Present subsection (9) of section 501.1737,  
118 Florida Statutes, as created by HB 3 or similar legislation,  
119 2024 Regular Session, is redesignated as subsection (10), and a  
120 new subsection (9) is added to that section, to read:

121 501.1737 Age verification for online access to materials  
122 harmful to minors.-

123 (9) (a) All information held by the department pursuant to a  
124 notification of a violation of this section or an investigation  
125 of a violation of this section is confidential and exempt from  
126 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
127 until such time as the investigation is completed or ceases to



128 be active. This exemption shall be construed in conformity with  
129 s. 119.071(2)(c).

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

133 1. In the furtherance of its official duties and  
134 responsibilities;

135 2. For print, publication, or broadcast if the department  
136 determines that such release would assist in notifying the  
137 public or locating or identifying a person whom the department  
138 believes to be a victim of an improper use or disposal of  
139 customer records, except that information made confidential and  
140 exempt by paragraph (c) may not be released pursuant to this  
141 subparagraph; or

142 3. To another governmental entity in the furtherance of its  
143 official duties and responsibilities.

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

148 1. Information that is otherwise confidential or exempt  
149 from s. 119.07(1) or s. 24(a), Art. I of the State Constitution.

150 2. Personal identifying information.

151 3. A computer forensic report.

152 4. Information that would otherwise reveal weaknesses in  
153 the data security of the commercial entity.

154 5. Information that would disclose the proprietary  
155 information of the commercial entity.

156 (d) For purposes of this subsection, the term "proprietary



157 information” means information that:  
158 1. Is owned or controlled by the commercial entity.  
159 2. Is intended to be private and is treated by the  
160 commercial entity as private because disclosure would harm the  
161 commercial entity or its business operations.  
162 3. Has not been disclosed except as required by law or a  
163 private agreement that provides that the information will not be  
164 released to the public.  
165 4. Is not publicly available or otherwise readily  
166 ascertainable through proper means from another source in the  
167 same configuration as received by the department.  
168 5. Reveals competitive interests, the disclosure of which  
169 would impair the competitive advantage of the commercial entity  
170 that is the subject of the information.  
171 (e) This subsection is subject to the Open Government  
172 Sunset Review Act in accordance with s. 119.15 and shall stand  
173 repealed on October 2, 2029, unless reviewed and saved from  
174 repeal through reenactment by the Legislature.  
175 Section 4. The Legislature finds that it is a public  
176 necessity that all information held by the Department of Legal  
177 Affairs pursuant to a notification of a violation of s.  
178 501.1737, Florida Statutes, or an investigation of a violation  
179 of that section, be made confidential and exempt from s.  
180 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
181 State Constitution for the following reasons:  
182 (1) A notification of a violation of s. 501.1737, Florida  
183 Statutes, may result in an investigation of such violation. The  
184 premature release of such information could frustrate or thwart  
185 the investigation and impair the ability of the department to



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186 effectively and efficiently administer s. 501.1737, Florida  
187 Statutes. In addition, release of such information before  
188 completion of an active investigation could jeopardize the  
189 ongoing investigation.

190 (2) Release of information that is otherwise confidential  
191 or exempt from public records requirements once an investigation  
192 is completed or ceases to be active would undo the specific  
193 statutory exemption protecting that information, thus clarifying  
194 that any protections currently afforded to that information are  
195 not removed.

196 (3) An investigation of a violation of s. 501.1737, Florida  
197 Statutes, is likely to result in the gathering of sensitive  
198 personal identifying information, which could include  
199 identification numbers, unique identifiers, professional or  
200 employment-related information, and personal financial  
201 information. Such information could be used for the purpose of  
202 identity theft. The release of such information could subject  
203 individuals to possible privacy violations, as it would reveal  
204 information of a sensitive personal nature.

205 (4) Notices received by the department and information  
206 generated during an investigation of a violation of s. 501.1737,  
207 Florida Statutes, are likely to contain proprietary information.  
208 Such information derives independent, economic value, actual or  
209 potential, from being generally unknown to, and not readily  
210 ascertainable by, other persons who might obtain economic value  
211 from its disclosure or use. Allowing public access to  
212 proprietary information through a public records request could  
213 destroy the value of the proprietary information and cause a  
214 financial loss to the commercial entity. Release of such





215 information could give business competitors an unfair advantage.

216 (5) Information held by the department may contain a  
217 computer forensic report or information that could reveal  
218 weaknesses in the data security of the commercial entity. The  
219 release of this information could result in the identification  
220 of vulnerabilities in the cybersecurity system of the commercial  
221 entity and be used to harm the commercial entity and its  
222 clients.

223 (6) The harm that may result from the release of  
224 information held by the department pursuant to a notification or  
225 investigation by the department of a violation of s. 501.1737,  
226 Florida Statutes, could impair the effective and efficient  
227 administration of the investigation and thus outweighs the  
228 public benefit that may be derived from the disclosure of the  
229 information.

230 Section 5. This act shall take effect on the same date that  
231 HB 3 or similar legislation takes effect, if such legislation is  
232 adopted in the same legislative session or an extension thereof  
233 and becomes a law.

234  
235 ===== T I T L E A M E N D M E N T =====

236 And the title is amended as follows:

237 Delete everything before the enacting clause  
238 and insert:

239 A bill to be entitled  
240 An act relating to public records; amending s.  
241 501.1736, F.S.; providing an exemption from public  
242 records requirements for information relating to  
243 investigations by the Department of Legal Affairs of



244 certain social media violations; authorizing the  
245 department to disclose such information for specified  
246 purposes; defining the term "proprietary information";  
247 providing for future legislative review and repeal of  
248 the exemption; providing a statement of public  
249 necessity; amending s. 501.1737, F.S.; providing an  
250 exemption from public records requirements for  
251 information relating to investigations by the  
252 department of certain age verification violations;  
253 authorizing the department to disclose such  
254 information for specified purposes; defining the term  
255 "proprietary information"; providing for future  
256 legislative review and repeal of the exemption;  
257 providing a statement of public necessity; providing a  
258 contingent effective date.