

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	_____	(Y/N)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

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Tramont offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

6 Section 1. Subsection (8) of section 501.1737, Florida
 7 Statutes, as created by HB 3 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:

10 501.1737 Age verification for online access to materials
 11 harmful to minors.—

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

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

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

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

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

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

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

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

43 5. Information that would disclose the proprietary
44 information of the commercial entity.

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

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

48 2. Is intended to be private and is treated by the
49 commercial entity as private because disclosure would harm the
50 commercial entity 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
58 competitive interests, the disclosure of which would impair the
59 competitive advantage of the commercial entity who is the
60 subject of the information.

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

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65 Section 2. The Legislature finds that it is a public
66 necessity that all information held by the Department of Legal
67 Affairs pursuant to a notification of a violation of s.
68 501.1737, Florida Statutes, or an investigation of a violation
69 of that section, be made confidential and exempt from s.
70 119.07(1), Florida Statutes, and s. 24(a), Article I of the
71 State Constitution for the following reasons:

72 (1) A notification of a violation of s. 501.1737, Florida
73 Statutes, may result in an investigation of such violation. The
74 premature release of such information could frustrate or thwart
75 the investigation and impair the ability of the department to
76 effectively and efficiently administer s. 501.1737, Florida
77 Statutes. In addition, release of such information before
78 completion of an active investigation could jeopardize the
79 ongoing investigation.

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

86 (3) An investigation of a violation of s. 501.1737,
87 Florida Statutes, is likely to result in the gathering of
88 sensitive personal identifying information, which could include
89 identification numbers, unique identifiers, professional or

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90 employment-related information, and personal financial
91 information. Such information could be used for the purpose of
92 identity theft. The release of such information could subject
93 individuals to possible privacy violations, as it would reveal
94 information of a sensitive personal nature.

95 (4) Notices received by the department and information
96 generated during an investigation of a violation of s. 501.1737,
97 Florida Statutes, are likely to contain proprietary information.
98 Such information derives independent, economic value, actual or
99 potential, from being generally unknown to, and not readily
100 ascertainable by, other persons who might obtain economic value
101 from its disclosure or use. Allowing public access to
102 proprietary information through a public records request could
103 destroy the value of the proprietary information and cause a
104 financial loss to the commercial entity. Release of such
105 information could give business competitors an unfair advantage.

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

112 (6) The harm that may result from the release of
113 information held by the department pursuant to a notification or
114 investigation by the department of a violation of s. 501.1737,

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115 Florida Statutes, could impair the effective and efficient
116 administration of the investigation and thus, outweighs the
117 public benefit that may be derived from the disclosure of the
118 information.

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

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125 **T I T L E A M E N D M E N T**

126 Remove everything before the enacting clause and insert:
127 An act relating to public records; amending s. 501.1737, F.S.;
128 providing an exemption from public records requirements for
129 information relating to investigations by the Department of
130 Legal Affairs of certain commercial entities; providing for
131 exceptions to the exemption; providing a definition; providing
132 for future legislative review and repeal of the exemption;
133 providing a statement of public necessity; providing a
134 contingent effective date.