

By Senator Burton

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 501.1739, 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 violations relating to artificial intelligence
7 violations; providing for future legislative review
8 and repeal of the exemption; providing a statement of
9 public necessity; providing a contingent effective
10 date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Present subsection (12) of section 501.1739,
15 Florida Statutes, as created by SB ____ or similar legislation,
16 2026 Regular Session, is redesignated as subsection (13), and a
17 new subsection (12) is added to that section, to read:

18 501.1739 Companion artificial intelligence chatbots; system
19 operators regulated.—

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

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

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

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

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

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

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

51 5. Information that would disclose the proprietary
52 information of the operator.

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

55 1. Is owned or controlled by the operator;

56 2. Is intended to be private and is treated by the operator
57 as private because disclosure would harm the operator or their
58 business operations;

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59 3. Has not been disclosed except as required by law or a
60 private agreement that provides that the information will 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; and

65 5. Reveals competitive interests, the disclosure of which
66 would impair the competitive advantage of the operator that is
67 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, 2031, 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 received by the Department of
74 Legal Affairs pursuant to a notification of a violation of s.
75 501.1739, Florida Statutes, or an investigation under 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. 501.1739, 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. 501.1739, 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 to which another public records

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88 exemption applies once an investigation is completed or ceases
89 to be active would undo the specific statutory exemption
90 protecting that information.

91 (3) An investigation of a violation of s. 501.1739, Florida
92 Statutes, is likely to result in the gathering of sensitive
93 personal information, including identification numbers, unique
94 identifiers, professional or employment-related information, and
95 personal financial information. Such information could be used
96 for the purpose of identity theft. The release of such
97 information could subject possible victims of violations
98 relating to artificial intelligence to further harm.

99 (4) Notices received by the department and information
100 received during an investigation of a violation of s. 501.1739,
101 Florida Statutes, are likely to contain proprietary information.
102 Such information, including trade secrets, derives its
103 independent, economic value, actual or potential, from being
104 generally unknown to, and not readily ascertainable by, other
105 persons who might obtain economic value from its disclosure or
106 use. Allowing public access to proprietary information,
107 including a trade secret, through a public records request could
108 destroy the value of the proprietary information and cause a
109 financial loss to the operator. Release of such information
110 could give business competitors an unfair advantage.

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

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117 (6) The harm that may result from the release of
118 information received by the department pursuant to a
119 notification or investigation by the department of a violation
120 of s. 501.1739, Florida Statutes, could impair the effective and
121 efficient administration of the investigation and, thus,
122 outweighs the public benefit that may be derived from the
123 disclosure of the information.

124 Section 3. This act shall take effect on the same date that
125 SB ____ or similar legislation takes effect, if such legislation
126 is adopted in the same legislative session or an extension
127 thereof and becomes a law.