

By the Committees on Governmental Oversight and Accountability; and Commerce and Tourism

585-01891-26

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A bill to be entitled

An act relating to review under the Open Government Sunset Review Act; amending s. 287.137, F.S., which provides an exemption from public records requirements for certain information received in investigations by the Attorney General or a law enforcement agency into social media platform activities; extending the scheduled repeal date of the exemption; amending s. 501.2041, F.S., which provides an exemption from public records requirements for certain information received in investigations by the Department of Legal Affairs or a law enforcement agency into violations by certain social media platforms; extending the scheduled repeal date of the exemption; providing an effective date.

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

Section 1. Subsection (8) of section 287.137, Florida Statutes, is amended to read:

287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.-

(8) (a) All information received by the Attorney General under paragraph (3) (d) pursuant to an investigation by the Attorney General or a law enforcement agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the investigation is completed or ceases to be active. This exemption shall be construed in

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30 conformity with s. 119.071(2) (c) .

31 (b) During an active investigation, information made
32 confidential and exempt pursuant to paragraph (a) may be
33 disclosed by the Attorney General:

34 1. In the performance of his or her official duties and
35 responsibilities; or

36 2. To another governmental entity in performance of its
37 official duties and responsibilities.

38 (c) Once an investigation is completed or ceases to be
39 active, the following information received by the Attorney
40 General shall remain confidential and exempt from s. 119.07(1)
41 and s. 24(a), Art. I of the State Constitution:

42 1. All information to which another public records
43 exemption applies.

44 2. Personal identifying information.

45 3. A computer forensic report.

46 4. Information that would otherwise reveal weaknesses in a
47 business's data security.

48 5. Proprietary business information.

49 (d) For purposes of this subsection, the term "proprietary
50 business information" means information that:

51 1. Is owned or controlled by the business;

52 2. Is intended to be private and is treated by the business
53 as private because disclosure would harm the business or its
54 business operations;

55 3. Has not been disclosed except as required by law or a
56 private agreement that provides that the information will not be
57 released to the public;

58 4. Is not publicly available or otherwise readily

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59 ascertainable through proper means from another source in the
60 same configuration as received by the Attorney General; and

61 5. Includes:

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

63 b. Competitive interests, the disclosure of which would
64 impair the competitive advantage of the business that is the
65 subject of the information.

66 (e) This subsection is subject to the Open Government
67 Sunset Review Act in accordance with s. 119.15 and shall stand
68 repealed on October 2, 2031 2026, unless reviewed and saved from
69 repeal through reenactment by the Legislature.

70 Section 2. Subsection (10) of section 501.2041, Florida
71 Statutes, is amended to read:

72 501.2041 Unlawful acts and practices by social media
73 platforms.—

74 (10) (a) All information received by the department pursuant
75 to an investigation by the department or a law enforcement
76 agency of a violation of this section is confidential and exempt
77 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
78 until such time as the investigation is completed or ceases to
79 be active. This exemption shall be construed in conformity with
80 s. 119.071(2) (c).

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

84 1. In the performance of its official duties and
85 responsibilities; or

86 2. To another governmental entity in performance of its
87 official duties and responsibilities.

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88 (c) Once an investigation is completed or ceases to be
89 active, the following information received by the department
90 shall remain confidential and exempt from s. 119.07(1) and s.
91 24(a), Art. I of the State Constitution:

92 1. All information to which another public records
93 exemption applies.

94 2. Personal identifying information.

95 3. A computer forensic report.

96 4. Information that would otherwise reveal weaknesses in a
97 business's data security.

98 5. Proprietary business information.

99 (d) For purposes of this subsection, the term "proprietary
100 business information" means information that:

101 1. Is owned or controlled by the business;

102 2. Is intended to be private and is treated by the business
103 as private because disclosure would harm the business or its
104 business operations;

105 3. Has not been disclosed except as required by law or a
106 private agreement that provides that the information will not be
107 released to the public;

108 4. Is not publicly available or otherwise readily
109 ascertainable through proper means from another source in the
110 same configuration as received by the department; and

111 5. Includes:

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

113 b. Competitive interests, the disclosure of which would
114 impair the competitive advantage of the business that is the
115 subject of the information.

116 (e) This subsection is subject to the Open Government

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117 Sunset Review Act in accordance with s. 119.15 and shall stand
118 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from
119 repeal through reenactment by the Legislature.

120 Section 3. This act shall take effect upon becoming a law.