

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

585-01891-26

20267014c1

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

585-01891-26

20267014c1

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

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

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

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

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

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

2. Personal identifying information.

3. A computer forensic report.

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

5. Proprietary business information.

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

1. Is owned or controlled by the business;

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

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

4. Is not publicly available or otherwise readily

585-01891-26

20267014c1

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

5. Includes:

a. Trade secrets as defined in s. 688.002.

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

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from repeal through reenactment by the Legislature.

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

501.2041 Unlawful acts and practices by social media platforms.—

(10)(a) All information received by the department pursuant to an investigation by the department or a law enforcement agency of a violation of this section 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 conformity with s. 119.071(2)(c).

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

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

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

585-01891-26

20267014c1

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

1. All information to which another public records exemption applies.
2. Personal identifying information.
3. A computer forensic report.
4. Information that would otherwise reveal weaknesses in a business's data security.
5. Proprietary business information.

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

1. Is owned or controlled by the business;
2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;
3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;
4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department; and
5. Includes:
 - a. Trade secrets as defined in s. 688.002.
 - b. Competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

(e) This subsection is subject to the Open Government

585-01891-26

20267014c1

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.