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2 An act relating to review under the Open Government  
3 Sunset Review Act; amending s. 287.137, F.S., which  
4 provides an exemption from public records requirements  
5 for certain information received in investigations by  
6 the Attorney General or a law enforcement agency into  
7 social media platform activities; extending the  
8 scheduled repeal date of the exemption; amending s.  
9 501.2041, F.S., which provides an exemption from  
10 public records requirements for certain information  
11 received in investigations by the Department of Legal  
12 Affairs or a law enforcement agency into violations by  
13 certain social media platforms; extending the  
14 scheduled repeal date of the exemption; providing an  
15 effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Subsection (8) of section 287.137, Florida  
20 Statutes, is amended to read:

21 287.137 Antitrust violations; denial or revocation of the  
22 right to transact business with public entities; denial of  
23 economic benefits.—

24 (8)(a) All information received by the Attorney General  
25 under paragraph (3)(d) pursuant to an investigation by the  
26 Attorney General or a law enforcement agency is confidential and  
27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
28 Constitution until such time as the investigation is completed  
29 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.