

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-01840-26

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A bill to be entitled
An act relating to public records; amending s. 501.9984, F.S.; providing an exemption from public records requirements for information relating to notifications of violations or investigations by the Department of Legal Affairs of certain companion chatbot violations; providing construction; authorizing the department to disclose such information during an active investigation; requiring certain information remain confidential and exempt upon the completion or cessation of an investigation; defining the term "proprietary information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 501.9985, F.S.; providing an exemption from public records requirements for information relating to notifications of violations or investigations by the department of certain bot-related consumer protection violations; providing construction; authorizing the department to disclose such information during an active investigation for specified purposes; requiring that certain information remain confidential and exempt upon the completion or cessation of an investigation; defining the term "proprietary information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; amending s. 501.9986, F.S.; providing an exemption from public records requirements for information relating to

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30 notifications of violations or investigations by the
31 department of certain deidentified data-related
32 consumer protection violations; providing
33 construction; authorizing the department to disclose
34 such information during an active investigation for
35 specified purposes; requiring that certain information
36 remain confidential and exempt upon the completion or
37 cessation of an investigation; defining the term
38 "proprietary information"; providing for future
39 legislative review and repeal of the exemption;
40 providing a statement of public necessity; providing a
41 contingent effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Present subsection (8) of section 501.9984,
46 Florida Statutes, as created by SB 482 or similar legislation,
47 2026 Regular Session, is redesignated as subsection (9), and a
48 new subsection (8) is added to that section, to read:

49 501.9984 Companion chatbot use for minors.—

50 (8) (a) All information held by the department pursuant to a
51 notification of a violation of this section or an investigation
52 of a violation of this section is confidential and exempt from
53 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
54 until such time as the investigation is completed or ceases to
55 be active. This exemption shall be construed in conformity with
56 s. 119.071(2) (c).

57 (b) During an active investigation, information made
58 confidential and exempt pursuant to paragraph (a) may be

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59 disclosed by the department:

60 1. In the furtherance of its official duties and
61 responsibilities;

62 2. For print, publication, or broadcast if the department
63 determines that such release would assist in notifying the
64 public or locating or identifying a person who the department
65 believes to be a victim of an improper use or disposal of
66 customer records, except that information made confidential and
67 exempt by paragraph (c) may not be released pursuant to this
68 subparagraph; or

69 3. To another governmental entity in the furtherance of
70 such entity's official duties and responsibilities.

71 (c) Upon completion of an investigation or once an
72 investigation ceases to be active, the following information
73 held by the department remains confidential and exempt from s.
74 119.07(1) and s. 24(a), Art. I of the State Constitution:

75 1. Information that is otherwise confidential or exempt
76 from s. 119.07(1) and s. 24(a), Art. I of the State
77 Constitution.

78 2. Personal identifying information.

79 3. A computer forensic report.

80 4. Information that would otherwise reveal weaknesses in
81 the data security of a companion chatbot platform.

82 5. Information that would disclose the proprietary
83 information of a companion chatbot platform.

84 (d) For purposes of this section, the term "proprietary
85 information" means information that:

86 1. Is owned or controlled by the companion chatbot
87 platform.

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88 2. Is intended to be private and is treated by the
89 companion chatbot platform as private because disclosure would
90 harm the companion chatbot platform or its business operations.

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

94 4. Is not publicly available or otherwise readily
95 ascertainable through proper means from another source in the
96 same configuration as received by the department.

97 5. Reveals competitive interests, the disclosure of which
98 would impair the competitive advantage of the companion chatbot
99 platform that is the subject of the information.

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

104 Section 2. The Legislature finds that it is a public
105 necessity that all information held by the Department of Legal
106 Affairs pursuant to a notification or investigation of a
107 violation of s. 501.9984, Florida Statutes, be made confidential
108 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
109 Article I of the State Constitution for the following reasons:

110 (1) A notification of a violation of s. 501.9984, Florida
111 Statutes, may result in an investigation of such violation. The
112 premature release of such information could frustrate or thwart
113 the investigation and impair the ability of the department to
114 effectively and efficiently administer s. 501.9984, Florida
115 Statutes. In addition, release of such information before
116 completion of an active investigation could jeopardize the

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117 ongoing investigation.118 (2) Release of information that is otherwise confidential
119 or exempt from public records requirements once an investigation
120 is completed or ceases to be active would undo the specific
121 statutory exemption protecting that information, thus clarifying
122 that any protections currently afforded to such information are
123 not removed.124 (3) An investigation of a violation of s. 501.9984, Florida
125 Statutes, is likely to result in the gathering of sensitive
126 personal identifying information, which could include
127 identification numbers, unique identifiers, professional or
128 employment-related information, and personal financial
129 information. Such information could be used for the purpose of
130 identity theft. The release of such information could subject
131 families to possible privacy violations, as it would reveal
132 information of a sensitive personal nature.133 (4) Notices received by the department and information
134 generated during an investigation of a violation of s. 501.9984,
135 Florida Statutes, are likely to contain proprietary information.
136 Such information derives independent economic value, actual or
137 potential, from being generally unknown to, and not readily
138 ascertainable by, other persons who might obtain economic value
139 from its disclosure or use. Allowing public access to
140 proprietary information through a public records request could
141 destroy the value of the proprietary information and cause a
142 financial loss to the companion chatbot platform. Release of
143 such information could give business competitors an unfair
144 advantage.145 (5) Information held by the department may contain a

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146 computer forensic report or information that could reveal
147 weaknesses in the data security of a companion chatbot platform.
148 The release of this information could result in the
149 identification of vulnerabilities in the cybersecurity system of
150 the companion chatbot platform and be used to harm the companion
151 chatbot platform and its clients.

152 (6) The harm that may result from the release of
153 information held by the department pursuant to a notification or
154 an investigation of a violation of s. 501.9984, Florida
155 Statutes, could impair the effective and efficient
156 administration of the investigation and thus outweighs the
157 public benefit that may be derived from the disclosure of the
158 information.

159 Section 3. Present subsection (5) of section 501.9985,
160 Florida Statutes, as created by SB 482 or similar legislation,
161 2026 Regular Session, is redesignated as subsection (6), and a
162 new subsection (5) is added to that section, to read:

163 501.9985 Consumer protections regarding bots.—

164 (5) (a) All information held by the department pursuant to a
165 notification of a violation of this section or an investigation
166 of a violation of this section is confidential and exempt from
167 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
168 until such time as the investigation is completed or ceases to
169 be active. This exemption shall be construed in conformity with
170 s. 119.071(2) (c).

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

174 1. In the furtherance of its official duties and

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175 responsibilities;

176 2. For print, publication, or broadcast if the department
177 determines that such release would assist in notifying the
178 public or locating or identifying a person who the department
179 believes to be a victim of an improper use or disposal of
180 customer records, except that information made confidential and
181 exempt by paragraph (c) may not be released pursuant to this
182 subparagraph; or

183 3. To another governmental entity in the furtherance of
184 such entity's official duties and responsibilities.

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

189 1. Information that is otherwise confidential or exempt
190 from s. 119.07(1) and s. 24(a), Art. I of the State
191 Constitution.

192 2. Personal identifying information.

193 3. A computer forensic report.

194 4. Information that would otherwise reveal weaknesses in
195 the data security of a bot.

196 5. Information that would disclose the proprietary
197 information of a bot.

198 (d) For purposes of this section, the term "proprietary
199 information" means information that:

200 1. Is owned or controlled by the operator of a bot.
201 2. Is intended to be private and is treated by the operator
202 of a bot as private because disclosure would harm the operator
203 of the bot or its business operations.

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

207 4. Is not publicly available or otherwise readily
208 ascertainable through proper means from another source in the
209 same configuration as received by the department.

210 5. Reveals competitive interests, the disclosure of which
211 would impair the competitive advantage of the operator of the
212 bot that is the subject of the information.

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

217 Section 4. The Legislature finds that it is a public
218 necessity that all information held by the Department of Legal
219 Affairs pursuant to a notification of a violation of s.
220 501.9985, Florida Statutes, or an investigation of a violation
221 of that section, be made confidential and exempt from s.
222 119.07(1), Florida Statutes, and s. 24(a), Article I of the
223 State Constitution for the following reasons:

224 (1) A notification of a violation of s. 501.9985, Florida
225 Statutes, may result in an investigation of such violation. The
226 premature release of such information could frustrate or thwart
227 the investigation and impair the ability of the department to
228 effectively and efficiently administer s. 501.9985, Florida
229 Statutes. In addition, release of such information before
230 completion of an active investigation could jeopardize the
231 ongoing investigation.

232 (2) The release of information that is otherwise

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233 confidential or exempt from public records requirements once an
234 investigation is completed or ceases to be active would undo the
235 specific statutory exemption protecting that information, thus
236 clarifying that any protections currently afforded to such
237 information are not removed.

238 (3) An investigation of a violation of s. 501.9985, Florida
239 Statutes, is likely to result in the gathering of sensitive
240 personal identifying information, which could include
241 identification numbers, unique identifiers, professional or
242 employment-related information, and personal financial
243 information. Such information could be used for the purpose of
244 identity theft. The release of such information could subject
245 families to possible privacy violations, as it would reveal
246 information of a sensitive personal nature.

247 (4) Notices received by the department and information
248 generated during an investigation of a violation of s. 501.9985,
249 Florida Statutes, are likely to contain proprietary information.
250 Such information derives independent economic value, actual or
251 potential, from being generally unknown to, and not readily
252 ascertainable by, other persons who might obtain economic value
253 from its disclosure or use. Allowing public access to
254 proprietary information through a public records request could
255 destroy the value of the proprietary information and cause a
256 financial loss to the operator of a bot. Release of such
257 information could give business competitors an unfair advantage.

258 (5) Information held by the department may contain a
259 computer forensic report or information that could reveal
260 weaknesses in the data security of an operator of a bot. The
261 release of this information could result in the identification

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262 of vulnerabilities in the cybersecurity system of the operator
263 of a bot and be used to harm the operator of the bot and its
264 clients.

265 (6) The harm that may result from the release of
266 information held by the department pursuant to a notification or
267 an investigation of a violation of s. 501.9985, Florida
268 Statutes, could impair the effective and efficient
269 administration of the investigation and thus outweighs the
270 public benefit that may be derived from the disclosure of the
271 information.

272 Section 5. Present subsection (5) of section 501.9986,
273 Florida Statutes, as created by SB 482 or similar legislation,
274 2026 Regular Session, is redesignated as subsection (6), and a
275 new subsection (5) is added to that section, to read:

276 501.9986 Consumer protections regarding deidentified data.—

277 (5)(a) All information held by the department pursuant to a
278 notification of a violation of this section or an investigation
279 of a violation of this section is confidential and exempt from
280 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
281 until such time as the investigation is completed or ceases to
282 be active. This exemption shall be construed in conformity with
283 s. 119.071(2)(c).

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

287 1. In the furtherance of its official duties and
288 responsibilities;

289 2. For print, publication, or broadcast if the department
290 determines that such release would assist in notifying the

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291 public or locating or identifying a person who the department
292 believes to be a victim of an improper use or disposal of
293 customer records, except that information made confidential and
294 exempt by paragraph (c) may not be released pursuant to this
295 subparagraph; or

296 3. To another governmental entity in the furtherance of
297 such entity's official duties and responsibilities.

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

302 1. Information that is otherwise confidential or exempt
303 from s. 119.07(1) and s. 24(a), Art. I of the State
304 Constitution.

305 2. Personal identifying information.

306 3. A computer forensic report.

307 4. Information that would otherwise reveal weaknesses in
308 the data security of an artificial intelligence technology
309 company.

310 5. Information that would disclose the proprietary
311 information of an artificial intelligence technology company.

312 (d) For purposes of this section, the term "proprietary
313 information" means information that:

314 1. Is owned or controlled by the artificial intelligence
315 technology company.

316 2. Is intended to be private and is treated by the
317 artificial intelligence technology company as private because
318 disclosure would harm the artificial intelligence technology
319 company or its business operations.

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

323 4. Is not publicly available or otherwise readily
324 ascertainable through proper means from another source in the
325 same configuration as received by the department.

326 5. Reveals competitive interests, the disclosure of which
327 would impair the competitive advantage of the artificial
328 intelligence technology company that is the subject of the
329 information.

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

334 Section 6. The Legislature finds that it is a public
335 necessity that all information held by the Department of Legal
336 Affairs pursuant to a notification of a violation of s.
337 501.9986, Florida Statutes, or an investigation of a violation
338 of that section, be made confidential and exempt from s.
339 119.07(1), Florida Statutes, and s. 24(a), Article I of the
340 State Constitution for the following reasons:

341 (1) A notification of a violation of s. 501.9986, Florida
342 Statutes, may result in an investigation of such violation. The
343 premature release of such information could frustrate or thwart
344 the investigation and impair the ability of the department to
345 effectively and efficiently administer s. 501.9986, Florida
346 Statutes. In addition, release of such information before
347 completion of an active investigation could jeopardize the
348 ongoing investigation.

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349 (2) Release of information that is otherwise confidential
350 or exempt from public records requirements once an investigation
351 is completed or ceases to be active would undo the specific
352 statutory exemption protecting that information, thus clarifying
353 that any protections currently afforded to such information are
354 not removed.

355 (3) An investigation of a violation of s. 501.9986, Florida
356 Statutes, is likely to result in the gathering of sensitive
357 personal identifying information, which could include
358 identification numbers, unique identifiers, professional or
359 employment-related information, and personal financial
360 information. Such information could be used for the purpose of
361 identity theft. The release of such information could subject
362 families to possible privacy violations, as it would reveal
363 information of a sensitive personal nature.

364 (4) Notices received by the department and information
365 generated during an investigation of a violation of s. 501.9986,
366 Florida Statutes, are likely to contain proprietary information.
367 Such information derives independent economic value, actual or
368 potential, from being generally unknown to, and not readily
369 ascertainable by, other persons who might obtain economic value
370 from its disclosure or use. Allowing public access to
371 proprietary information through a public records request could
372 destroy the value of the proprietary information and cause a
373 financial loss to the artificial intelligence technology
374 company. Release of such information could give business
375 competitors an unfair advantage.

376 (5) Information held by the department may contain a
377 computer forensic report or information that could reveal

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378 weaknesses in the data security of an artificial intelligence
379 technology company. The release of this information could result
380 in the identification of vulnerabilities in the cybersecurity
381 system of the artificial intelligence technology company and be
382 used to harm the artificial intelligence technology company and
383 its clients.

384 (6) The harm that may result from the release of
385 information held by the department pursuant to a notification or
386 an investigation of a violation of s. 501.9986, Florida
387 Statutes, could impair the effective and efficient
388 administration of the investigation and thus outweighs the
389 public benefit that may be derived from the disclosure of the
390 information.

391 Section 7. This act shall take effect on the same date that
392 SB 482 or similar legislation takes effect, if such legislation
393 is adopted in the same legislative session or an extension
394 thereof and becomes a law.