

By Senator Brodeur

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       501.9984, F.S.; providing an exemption from public  
4       records requirements for information held by the  
5       Department of Legal Affairs relating to notifications  
6       or investigations of certain companion chatbot  
7       violations; providing construction; authorizing the  
8       department to disclose such information during an  
9       active investigation for specified purposes; requiring  
10      that certain information remain confidential and  
11      exempt upon the completion or cessation of an  
12      investigation; defining the term "proprietary  
13      information"; providing for future legislative review  
14      and repeal of the exemption; providing a statement of  
15      public necessity; amending s. 501.9985, F.S.;  
16      providing an exemption from public records  
17      requirements for information held by the department  
18      relating to notifications or investigations of certain  
19      bot-related consumer protection violations; providing  
20      construction; authorizing the department to disclose  
21      such information during an active investigation for  
22      specified purposes; requiring that certain information  
23      remain confidential and exempt upon the completion or  
24      cessation of an investigation; defining the term  
25      "proprietary information"; providing for future  
26      legislative review and repeal of the exemption;  
27      providing a statement of public necessity; amending s.  
28      501.9986, F.S.; providing an exemption from public  
29      records requirements for information held by the

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30 department relating to notifications or investigations  
31 of certain deidentified data-related consumer  
32 protection violations; providing construction;  
33 authorizing the department to disclose such  
34 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 2-D or similar legislation,  
47 2026 Special Session D, 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 whom 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 shall remain confidential and exempt from  
74 s. 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) The release of information that is otherwise  
119 confidential or exempt from public records requirements once an  
120 investigation is completed or ceases to be active would undo the  
121 specific statutory exemption protecting that information, thus  
122 affirming that any protections currently afforded to such  
123 information are 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 2-D or similar legislation,  
161 2026 Special Session D, 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 or an operator of a bot.

196 5. Information that would disclose the proprietary  
197 information of an operator 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 affirming 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 (6) of section 501.9986,  
273 Florida Statutes, as created by SB 2-D or similar legislation,  
274 2026 Special Session D, is redesignated as subsection (7), and a  
275 new subsection (6) is added to that section, to read:

276 501.9986 Consumer protections regarding deidentified data.-

277 (6) (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 whom 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) The release of information that is otherwise  
350 confidential or exempt from public records requirements once an  
351 investigation is completed or ceases to be active would undo the  
352 specific statutory exemption protecting that information, thus  
353 affirming that any protections currently afforded to such  
354 information are 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 2-D 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.