

By Senator Bradley

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 501.174, F.S.; providing an exemption from public
4 records requirements for information relating to
5 investigations by the Department of Legal Affairs and
6 law enforcement agencies of certain artificial
7 intelligence transparency violations; providing
8 construction; providing exceptions; providing that
9 certain information received by the department remains
10 confidential and exempt upon completion or inactive
11 status of an investigation; defining the term
12 "proprietary information"; providing for future
13 legislative review and repeal of the exemption;
14 providing a statement of public necessity; providing a
15 contingent effective date.

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

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19 Section 1. Subsection (9) of section 501.174, Florida
20 Statutes, as created by SB ____ or similar legislation, 2024
21 Regular Session, is renumbered as subsection (10), and a new
22 subsection (9) is added to that section to read:

23 501.174 Artificial intelligence transparency.—

24 (9) (a) All information received by the department pursuant
25 to a notification of a violation under this section, or received
26 by the department pursuant to an investigation by the department
27 or a law enforcement agency of a violation of this section, is
28 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
29 of the State Constitution, until such time as the investigation

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30 is completed or ceases to be active. This exemption shall be
31 construed in conformity with s. 119.071(2)(c).

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

35 1. In the furtherance of its official duties and
36 responsibilities;

37 2. For print, publication, or broadcast if the department
38 determines that such release would assist in notifying the
39 public or locating or identifying a person who the department
40 believes to be a victim of a data breach or an improper use or
41 disposal of customer records, except that information made
42 confidential and exempt by paragraph (c) may not be released
43 pursuant to this subparagraph; or

44 3. To another governmental entity in the furtherance of its
45 official duties and responsibilities.

46 (c) Upon completion of an investigation or once an
47 investigation ceases to be active, the following information
48 received by the department shall remain confidential and exempt
49 from s. 119.07(1) and s. 24(a), Art. I of the State
50 Constitution:

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

53 2. Personal information.

54 3. A computer forensic report.

55 4. Information that would otherwise reveal weaknesses in
56 the data security of the business operations of the entity or
57 person.

58 5. Information that would disclose the proprietary

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59 information of the business operations of the entity or person.

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

62 1. Is owned or controlled by the entity or person.

63 2. Is intended to be private and is treated by the entity
64 or person as private because disclosure would harm the entity or
65 person.

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

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

72 5. Includes:

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

74 b. Competitive interests, the disclosure of which would
75 impair the competitive advantage of the business operations of
76 the entity or person who is the subject of the information.

77 (e) This subsection is subject to the Open Government
78 Sunset Review Act in accordance with s. 119.15 and shall stand
79 repealed on October 2, 2029, unless reviewed and saved from
80 repeal through reenactment by the Legislature.

81 Section 2. The Legislature finds that it is a public
82 necessity that all information received by the Department of
83 Legal Affairs pursuant to a notification of a violation of s.
84 501.174, Florida Statutes, or received by the department
85 pursuant to an investigation by the department or a law
86 enforcement agency of a violation of that section, be made
87 confidential and exempt from s. 119.07(1), Florida Statutes, and

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88 s. 24(a), Article I of the State Constitution for the following
89 reasons:

90 (1) A notification of a violation of s. 501.174, Florida
91 Statutes, may result in an investigation of such violation. The
92 premature release of such information could frustrate or thwart
93 the investigation and impair the ability of the department to
94 effectively and efficiently administer s. 501.174, Florida
95 Statutes. In addition, release of such information before
96 completion of an active investigation could jeopardize the
97 ongoing investigation.

98 (2) Release of information to which another public records
99 exemption applies once an investigation is completed or ceases
100 to be active would undo the specific statutory exemption
101 protecting that information.

102 (3) An investigation of a violation of s. 501.174, Florida
103 Statutes, is likely to result in the gathering of sensitive
104 personal information, including identification numbers, unique
105 identifiers, professional or employment-related information, and
106 personal financial information. Such information could be used
107 for the purpose of identity theft. The release of such
108 information could subject possible victims of data privacy
109 violations to further harm.

110 (4) Notices received by the department and information
111 received during an investigation of a violation of s. 501.174,
112 Florida Statutes, are likely to contain proprietary information.
113 Such information, including trade secrets, derives independent,
114 economic value, actual or potential, from being generally
115 unknown to, and not readily ascertainable by, other persons who
116 might obtain economic value from its disclosure or use. Allowing

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117 public access to proprietary information, including a trade
118 secret, through a public records request could destroy the value
119 of the proprietary information and cause a financial loss to the
120 entity or person. Release of such information could give
121 business competitors an unfair advantage.

122 (5) Information received by the department may contain a
123 computer forensic report or information that could reveal
124 weaknesses in the data security of the business operations of
125 the entity or person. The release of this information could
126 result in the identification of vulnerabilities in the
127 cybersecurity system of the business operations of the entity or
128 person and be used to harm the entity or person and clients.

129 (6) The harm that may result from the release of
130 information received by the department pursuant to a
131 notification or investigation by the department or a law
132 enforcement agency of a violation of s. 501.174, Florida
133 Statutes, could impair the effective and efficient
134 administration of the investigation and thus, outweighs the
135 public benefit that may be derived from the disclosure of the
136 information.

137 Section 3. This act shall take effect on the same date that
138 SB ____ or similar legislation takes effect, if such legislation
139 is adopted in the same legislative session or an extension
140 thereof and becomes a law.