

By the Committee on Judiciary

590-01172-19

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1                                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending s. 501.171, F.S., which  
4           provides a public records exemption for information  
5           received by the Department of Legal Affairs pursuant  
6           to a notification of a security breach or during the  
7           course of an investigation of such breach; removing  
8           the scheduled repeal of the exemption; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13           Section 1. Subsection (11) of section 501.171, Florida  
14           Statutes, is amended to read:

15           501.171 Security of confidential personal information.—

16           (11) PUBLIC RECORDS EXEMPTION.—

17           (a) All information received by the department pursuant to  
18           a notification required by this section, or received by the  
19           department pursuant to an investigation by the department or a  
20           law enforcement agency, is confidential and exempt from s.  
21           119.07(1) and s. 24(a), Art. I of the State Constitution, until  
22           such time as the investigation is completed or ceases to be  
23           active. This exemption shall be construed in conformity with s.  
24           119.071(2)(c).

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

28           1. In the furtherance of its official duties and  
29           responsibilities;

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30           2. For print, publication, or broadcast if the department  
31 determines that such release would assist in notifying the  
32 public or locating or identifying a person that the department  
33 believes to be a victim of a data breach or improper disposal of  
34 customer records, except that information made confidential and  
35 exempt by paragraph (c) may not be released pursuant to this  
36 subparagraph; or

37           3. To another governmental entity in the furtherance of its  
38 official duties and responsibilities.

39           (c) Upon completion of an investigation or once an  
40 investigation ceases to be active, the following information  
41 received by the department shall remain confidential and exempt  
42 from s. 119.07(1) and s. 24(a), Art. I of the State  
43 Constitution:

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

46           2. Personal information.

47           3. A computer forensic report.

48           4. Information that would otherwise reveal weaknesses in a  
49 covered entity's data security.

50           5. Information that would disclose a covered entity's  
51 proprietary information.

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

54           1. Is owned or controlled by the covered entity.

55           2. Is intended to be private and is treated by the covered  
56 entity as private because disclosure would harm the covered  
57 entity or its business operations.

58           3. Has not been disclosed except as required by law or a

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59 private agreement that provides that the information will not be  
60 released to the public.

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

64 5. Includes:

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

66 b. Competitive interests, the disclosure of which would  
67 impair the competitive business of the covered entity who is the  
68 subject of the information.

69 ~~(c) This subsection is subject to the Open Government~~  
70 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
71 ~~repealed on October 2, 2019, unless reviewed and saved from~~  
72 ~~repeal through reenactment by the Legislature.~~

73 Section 2. This act shall take effect October 1, 2019.