

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 1648 — Public Records/Investigations by the Department of Legal Affairs and Law Enforcement Agencies

by Rules Committee; Commerce and Tourism Committee; and Senator Bradley

The bill creates public records exemptions for information received by the Department of Legal Affairs (DLA) pursuant to a notification of a violation, or received by the DLA pursuant to an investigation by the DLA or a law enforcement agency, under s. 501.1735, F.S., which creates the protection of children in online spaces provisions, or under s. 501.722, F.S., which creates the Florida Digital Bill of Rights in CS/CS/SB 262.

During an active investigation, the DLA may disclose confidential and exempt information:

- In furtherance of its official duties and responsibilities;
- For print, publication, or broadcast if the DLA determines that such release would assist in notifying the public or locating or identifying a person believed to be a victim of the improper use or disposal of customer records; or
- To another governmental entity in the furtherance of its official duties and responsibilities.

Once an investigation is completed or once an investigation ceases to be active, the following information received by the DLA will remain confidential and exempt:

- All information to which another public record exemption applies;
- Personal information;
- A computer forensic report;
- Information that would otherwise reveal weaknesses in a business's data security; and
- Information that would disclose a business' proprietary information.

The bill provides that these provisions will be subject to an Open Government Sunset Review in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, or allowed to become law without the Governor's signature, and except as otherwise expressly provided, these provisions take effect July 1, 2024.

Vote: Senate 33-7; House 113-0