

Committee on Judiciary

CS/CS/HB 1491 — Pub. Rec./Investigations by the Department of Legal Affairs

by State Affairs Committee; Regulatory Reform & Economic Development Subcommittee; and Reps. Tramont and Overdorf (SB 1794 by Senator Grall)

The bill exempts from public records copying and inspection requirements certain information received by the Department of Legal Affairs in connection with its enforcement obligations under HB 3 or similar legislation during the 2024 Regular Session.

Specifically, the bill exempts, from the public records requirements in s. 119.07(1), F.S., and Art. I, s. 24(a), State Constitution, all information held by the department, either pursuant to a notification of violation of two new statutes created by HB 3 or pursuant to an investigation of a violation of these new statutes, until such time as the investigation is completed or ceases to be active.

Section 501.1736, F.S., created by HB 3 requires regulated social media platforms to prohibit minors younger than 14 years of age from entering into contracts with social media platforms to become account holders; it allows minors who are 14 or 15 years of age to become account holders, but only with the consent of a parent or guardian. Section 501.1737, F.S., created by HB 3 requires commercial entities that publish material harmful to minors on a website to use age verification to prevent access to the materials by persons younger than 18 years of age.

The bill provides that during an active investigation, certain information made confidential and exempt by the bill may be disclosed by the department. It also provides that upon completion of an investigation, or once an investigation ceases to be active, certain information held by the department must remain confidential and exempt from the public disclosure requirements, including the “proprietary information” of regulated social media platforms and commercial entities as defined in the bill.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect on the same date that HB 3 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes a law.

Vote: Senate 30-5; House 113-0