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GO.GO.01806

Proposed Committee Substitute by the Committee on Governmental  
Oversight and Accountability

A bill to be entitled

An act relating to review under the Open Government  
Sunset Review Act; amending s. 287.137, F.S., which  
provides an exemption from public records requirements  
for certain information received in investigations by  
the Attorney General or a law enforcement agency into  
social media platform activities; extending the  
scheduled repeal date of the exemption; amending s.  
501.2041, F.S., which provides an exemption from  
public records requirements for certain information  
received in investigations by the Department of Legal  
Affairs or a law enforcement agency into violations by  
certain social media platforms; extending the  
scheduled repeal date of the exemption; providing an  
effective date.

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

Section 1. Subsection (8) of section 287.137, Florida  
Statutes, is amended to read:

287.137 Antitrust violations; denial or revocation of the  
right to transact business with public entities; denial of  
economic benefits.—

(8)(a) All information received by the Attorney General  
under paragraph (3)(d) pursuant to an investigation by the  
Attorney General or a law enforcement agency is confidential and  
exempt from s. 119.07(1) and s. 24(a), Art. I of the State



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Constitution until such time as the investigation is completed or ceases to be active. This exemption shall be construed in conformity with s. 119.071(2)(c).

(b) During an active investigation, information made confidential and exempt pursuant to paragraph (a) may be disclosed by the Attorney General:

1. In the performance of his or her official duties and responsibilities; or

2. To another governmental entity in performance of its official duties and responsibilities.

(c) Once an investigation is completed or ceases to be active, the following information received by the Attorney General shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

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

2. Personal identifying information.

3. A computer forensic report.

4. Information that would otherwise reveal weaknesses in a business's data security.

5. Proprietary business information.

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

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be



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released to the public;

4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the Attorney General; and

5. Includes:

a. Trade secrets as defined in s. 688.002.

b. Competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

(e) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (10) of section 501.2041, Florida Statutes, is amended to read:

501.2041 Unlawful acts and practices by social media platforms.—

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

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

1. In the performance of its official duties and



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responsibilities; or

2. To another governmental entity in performance of its official duties and responsibilities.

(c) Once an investigation is completed or ceases to be active, the following information received by the department shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

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

2. Personal identifying information.

3. A computer forensic report.

4. Information that would otherwise reveal weaknesses in a business's data security.

5. Proprietary business information.

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

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

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

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

5. Includes:

a. Trade secrets as defined in s. 688.002.

b. Competitive interests, the disclosure of which would



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115 impair the competitive advantage of the business that is the  
116 subject of the information.

117 (e) This subsection is subject to the Open Government  
118 Sunset Review Act in accordance with s. 119.15 and shall stand  
119 repealed on October 2, 2031 ~~2026~~, unless reviewed and saved from  
120 repeal through reenactment by the Legislature.

121 Section 3. This act shall take effect upon becoming a law.