

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 501.170, F.S.; providing exemptions from public
 4 records requirements for the notice of a data breach
 5 and information held by the Department of Legal
 6 Affairs pursuant to certain investigations; providing
 7 for disclosure under certain circumstances; limiting
 8 the period of confidentiality and exemption; providing
 9 for future legislative review and repeal of the
 10 exemption; providing a statement of public necessity;
 11 providing a contingent effective date.

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

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 15 Section 1. Subsection (11) is added to section 501.170,
 16 Florida Statutes, as created by HB _____, 2014 Regular Session,
 17 to read:

18 501.170 Security of confidential personal information.—
 19 (11) (a) PUBLIC RECORDS EXEMPTION.—Except as otherwise
 20 provided in this subsection, the notice and information held by
 21 the department pursuant to an investigation of a violation of
 22 this section is confidential and exempt from s. 119.07(1) and s.
 23 24(a), Art. I of the State Constitution.

24 (b) Information made confidential and exempt under
 25 paragraph (a) may be disclosed by the department in the
 26 performance of its official duties and responsibilities to a

27 court or tribunal, a law enforcement agency, or another state or
 28 federal agency.

29 (c) Information made confidential and exempt under
 30 paragraph (a) is no longer considered confidential and exempt 5
 31 years after the department either files its own action or closes
 32 its investigation without filing an action, unless the
 33 information is otherwise protected by law.

34 (d) This subsection is subject to the Open Government
 35 Sunset Review Act in accordance with s. 119.15 and shall stand
 36 repealed on October 2, 2019, unless reviewed and saved from
 37 repeal through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
 39 necessity that the notice and information held by the Department
 40 of Legal Affairs pursuant to an investigation of a violation of
 41 s. 501.170, Florida Statutes, relating to information security,
 42 be confidential and exempt from public records requirements for
 43 the following reasons:

44 (1) Notices provided to the Department of Legal Affairs
 45 and materials obtained during investigations of a violation of
 46 s. 501.975, Florida Statutes, may contain proprietary
 47 information about the security of the breached system. The
 48 release of the proprietary information could result in the
 49 identification of vulnerabilities and further data breaches of
 50 that system. This exemption protects the security of the
 51 breached systems, thus protecting the personal information of
 52 Floridians stored within the systems.

53 (2) Notices provided to the Department of Legal Affairs
54 and materials obtained during investigations of a violation of
55 s. 501.975, Florida Statutes, may contain the personal
56 information. The release of this information by the department
57 in response to a public records request could be just as
58 problematic as the data breach or improper disposal of customer
59 records. This exemption protects the security of the personal
60 information by excluding it from the public record laws.

61 Section 3. This act shall take effect on the same date
62 that HB ____ or similar legislation takes effect, if such
63 legislation is adopted in the same legislative session or an
64 extension thereof and becomes a law.