

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 24.1051, F.S.; transferring provisions from ss. 24.105
 4 and 24.118, F.S., to s. 24.1051, F.S.; providing that
 5 certain security information held by the Department of
 6 the Lottery is confidential and exempt from public
 7 record requirements; providing that information about
 8 lottery games is confidential and exempt from public
 9 record requirements; providing that personal
 10 identifying information of retailers and vendors for
 11 purposes of background checks is confidential and
 12 exempt from public record requirements; providing that
 13 certain financial information held by the department
 14 is confidential and exempt from public record
 15 requirements; providing for retroactive application of
 16 the public record exemptions; providing for future
 17 legislative review and repeal of the exemptions;
 18 providing a public necessity statement; providing
 19 direction to the Division of Law Revision and
 20 Information; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Paragraphs (a), (b), and (c) of subsection (12)
 25 of section 24.105, Florida Statutes, are transferred,

26 redesignated as subsections (1), (2), and (3) respectively, of
 27 newly created section 24.1051, Florida Statutes, and amended to
 28 read:

29 24.1051 Exemptions from inspection or copying of public
 30 records.-

31 (1) ~~(12)~~ (a) The following information held by the
 32 department Determine by rule information relating to the
 33 operation of the lottery which is confidential and exempt from
 34 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 35 Constitution:-

36 1. ~~Such~~ Information that, if released, could harm the
 37 security or integrity of the department, including:

38 a. Information relating to the ~~trade secrets;~~ security of
 39 the department's technologies, processes, and practices designed
 40 to protect networks, computers, data processing software, data,
 41 and data ~~measures,~~ systems from attack, damage, or unauthorized
 42 access procedures;

43 b. Security ~~reports;~~ information or information that would
 44 reveal security measures of the department, whether physical or
 45 virtual;

46 c. Information about lottery games, promotions, tickets,
 47 and ticket stock, including information concerning the
 48 description, design, production, printing, packaging, shipping,
 49 delivery, storage, and validation; and

50 d. Information concerning terminals, machines, and devices

51 that issue tickets.

52 2. Information that must be maintained as confidential in
53 order for the department to participate in a multi-state lottery
54 association or game.

55 3. Personal identifying information obtained by the
56 department when processing background investigations of current
57 or potential retailers or vendors.

58 4. Financial bids or other contractual data, the
59 disclosure of which would impair the efforts of the department
60 to contract for goods or services on favorable terms; employee
61 personnel information unrelated to compensation, duties,
62 qualifications, or responsibilities; and information about an
63 entity that is not publicly available and is provided to the
64 department in connection with its review of the financial
65 responsibility of the entity obtained by the Division of
66 Security pursuant to s. 24.111 or s. 24.112, provided that the
67 entity marks such information as confidential. However,
68 financial information related to any contract or agreement, or
69 an addendum thereto, with the department, including the amount
70 of money paid, any payment structure or plan, expenditures,
71 incentives, bonuses, fees, and penalties, shall be public
72 record.

73 (b) This exemption is remedial in nature and it is the
74 intent of the Legislature that this exemption apply to
75 information held by the department before, on, or after the

76 | effective date of this subsection.

77 | (c) Information made confidential and exempt under this
 78 | subsection ~~its investigations which is otherwise confidential.~~
 79 | ~~To be deemed confidential, the information must be necessary to~~
 80 | ~~the security and integrity of the lottery. Confidential~~
 81 | ~~information~~ may be released to other governmental entities as
 82 | needed in connection with the performance of their duties. The
 83 | receiving governmental entity shall maintain the confidential
 84 | and exempt status ~~retain the confidentiality~~ of such information
 85 | ~~as provided for in this subsection.~~

86 | (d) This subsection is subject to the Open Government
 87 | Sunset Review Act in accordance with s. 119.15 and shall stand
 88 | repealed on October 2, 2023, unless reviewed and saved from
 89 | repeal through reenactment by the Legislature.

90 | (2)(b) ~~Maintain the confidentiality of~~ The street address
 91 | and the telephone number of a winner are ~~, in that such~~
 92 | ~~information is~~ confidential and exempt from ~~the provisions of~~ s.
 93 | 119.07(1) and s. 24(a), Art. I of the State Constitution, unless
 94 | the winner consents to the release of such information or as
 95 | provided for in s. 24.115(4) or s. 409.2577.

96 | (3)(12)(e) Any information made confidential and exempt
 97 | ~~from the provisions of s. 119.07(1) under this section~~
 98 | ~~subsection~~ shall be disclosed to the Auditor General, to the
 99 | Office of Program Policy Analysis and Government Accountability,
 100 | or to the independent auditor selected under s. 24.123 upon such

101 person's request therefor. If the President of the Senate or the
 102 Speaker of the House of Representatives certifies that
 103 information made confidential and exempt under this section
 104 ~~subsection~~ is necessary for effecting legislative changes, the
 105 requested information shall be disclosed to him or her, and he
 106 or she may disclose such information to members of the
 107 Legislature and legislative staff as necessary to effect such
 108 purpose.

109 Section 2. Subsection (4) of section 24.118, Florida
 110 Statutes, is transferred, redesignated as subsection (4) of
 111 newly created section 24.1051, Florida Statutes, and amended to
 112 read:

113 24.1051 Exemptions from inspection or copying of public
 114 records.-

115 (4) ~~BREACH OF CONFIDENTIALITY.~~ Any person who, with intent
 116 to defraud or with intent to provide a financial or other
 117 advantage to himself, herself, or another, knowingly and
 118 willfully discloses any information relating to the lottery
 119 designated as confidential and exempt from ~~the provisions of s.~~
 120 119.07(1) and s. 24(a), Art. I of the State Constitution
 121 pursuant to this act is guilty of a felony of the first degree,
 122 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

123 Section 3. (1) The Legislature finds that it is a public
 124 necessity that information relating to the security of the
 125 Department of the Lottery be made confidential and exempt from

126 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
127 State Constitution. Ensuring the security and integrity of the
128 lottery operations safeguards against players gaining an unfair
129 advantage over other players and enables the department to
130 operate in a manner consistent with the dignity of the state
131 lottery. If such security information were made available to the
132 public, the integrity and efficiency of the lottery would be
133 jeopardized and the effective and efficient administration of
134 the lottery would be significantly impaired. For these reasons,
135 the Legislature finds that it is a public necessity to maintain
136 the confidential and exempt status of such information.
137 Maintaining the effective and efficient administration of the
138 lottery is a sufficiently compelling purpose to override the
139 strong public policy of open government and cannot be
140 accomplished without this exemption.

141 (2) The Legislature finds that it is a public necessity
142 that information required to be held confidential in order for
143 the department to participate in multistate games and
144 associations be made confidential and exempt from s. 119.07(1),
145 Florida Statutes, and s. 24(a), Article I of the State
146 Constitution. The department is authorized to enter into
147 agreements with other states for the operation and promotion of
148 a multistate lottery and without the exemption, the department
149 would be unable to join certain associations and games, thus
150 causing the state to miss opportunities to generate revenue for

151 education. As a result, the effective and efficient
152 administration of the lottery would be significantly impaired
153 without maintaining the confidentiality of these records. For
154 these reasons, the Legislature finds that it is a public
155 necessity to maintain the confidential and exempt status of such
156 information. Maintaining the effective and efficient
157 administration of the lottery is a sufficiently compelling
158 purpose to override the strong public policy of open government
159 and cannot be accomplished without this exemption.

160 (3) The Legislature finds that it is a public necessity
161 that the personal identifying information of current or
162 potential retailers and vendors for purposes of processing
163 background investigations be made confidential and exempt from
164 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
165 State Constitution. The release of such sensitive, personal
166 information could cause great financial harm to an individual
167 and his or her family, and unwarranted damage to the good name
168 and reputation of such individuals. Identity theft can also be
169 used to harm their reputations and good name. Without the
170 exemption, current and potential retailers and vendors may be
171 reluctant to participate as a department retailer or vendor, and
172 the effective and efficient administration of the lottery would
173 be significantly impaired. For these reasons, the Legislature
174 finds that it is a public necessity to maintain the confidential
175 and exempt status of such information. Maintaining the effective

176 and efficient administration of the lottery and protecting
 177 sensitive, personal information concerning individuals are
 178 sufficiently compelling purposes to override the strong public
 179 policy of open government and cannot be accomplished without
 180 this exemption.

181 (4) The Legislature finds that it is a public necessity
 182 that financial information about an entity that is not publicly
 183 available and is provided to the department in connection with
 184 its review of the financial responsibility of the entity be made
 185 confidential and exempt from s. 119.07(1), Florida Statutes, and
 186 s. 24(a), Article I of the State Constitution. The release of
 187 such information could harm the business operations of entities
 188 the department wishes to contract with and injure those entities
 189 in the marketplace, causing such entities to be less likely to
 190 work with the department. As a result, the effective and
 191 efficient administration of the lottery would be significantly
 192 impaired without maintaining the confidentiality of such
 193 financial information. For these reasons, the Legislature finds
 194 that it is a public necessity to maintain the confidential and
 195 exempt status of such information. Maintaining the effective and
 196 efficient administration of the lottery and protecting such
 197 confidential information concerning entities are sufficiently
 198 compelling purposes to override the strong public policy of open
 199 government and cannot be accomplished without this exemption.

200 (5) The Legislature further finds that these public record

201 exemptions must be given retroactive application because they
202 are remedial in nature.

203 Section 4. The Division of Law Revision and Information is
204 directed to replace the phrase "the effective date of this
205 subsection" wherever it occurs in this act with the date the act
206 becomes a law.

207 Section 5. This act shall take effect upon becoming a law.