

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 570.077, F.S.; providing an exemption from public
 4 records requirements for information received by the
 5 Department of Agriculture and Consumer Services from
 6 another state or federal agency and which is otherwise
 7 confidential or exempt pursuant to the laws of that
 8 state or federal law; providing an exemption from
 9 public records requirements for information received
 10 or developed by the department as part of an
 11 investigation with another state or federal agency;
 12 providing applicability; providing for future
 13 legislative review and repeal of the exemptions under
 14 the Open Government Sunset Review Act; providing a
 15 statement of public necessity; providing a contingent
 16 effective date.

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

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 20 Section 1. Section 570.077, Florida Statutes, is created
 21 to read:

22 570.077 Confidentiality of intelligence or investigative
 23 information.—

24 (1) The following information held by the Department of
 25 Agriculture and Consumer Services before, on, or after July 1,
 26 2015, is confidential and exempt from s. 119.07(1) and s. 24(a),

27 Art. I of the State Constitution:

28 (a) Criminal or civil intelligence, investigative
 29 information, or any other information received from another
 30 state or federal regulatory, administrative, or criminal justice
 31 agency which is confidential or exempt pursuant to the laws of
 32 that state or federal law.

33 (b) Information that is received or developed by the
 34 department as part of a joint or multiagency examination or
 35 investigation with another state or federal regulatory,
 36 administrative, or criminal justice agency. The department may
 37 obtain and use the information in accordance with the conditions
 38 imposed by the joint or multiagency agreement.

39 (2) This exemption does not apply to information obtained
 40 or developed by the department which would otherwise be
 41 available for public inspection if the department had conducted
 42 an independent examination or investigation under Florida law.

43 (3) This section is subject to the Open Government Sunset
 44 Review Act in accordance with s. 119.15 and shall stand repealed
 45 on October 2, 2020, unless reviewed and saved from repeal
 46 through reenactment by the Legislature.

47 Section 2. (1) The Legislature finds that it is a public
 48 necessity that criminal or civil intelligence, investigative
 49 information, or any other information held by the Department of
 50 Agriculture and Consumer Services before, on, or after July 1,
 51 2015, which is received from another state or federal
 52 regulatory, administrative, or criminal justice agency and which

53 is confidential or exempt pursuant to the laws of that state or
54 pursuant to federal law be made confidential and exempt from
55 public records requirements. Without the exemption, the
56 department will be unable to obtain information that could
57 assist it in pursuing violations of law under its jurisdiction.
58 With this exemption, the department should increase efficiency
59 of investigations by saving time on developing investigative
60 leads, witness data, and victim data.

61 (2) The Legislature finds that it is a public necessity
62 that information held by the Department of Agriculture and
63 Consumer Services which is received or developed by the
64 department as part of a joint or multiagency examination or
65 investigation with another state or federal regulatory,
66 administrative, or criminal justice agency be made confidential
67 and exempt from public records requirements. The exemption is
68 necessary to enable the department to participate in joint or
69 multiagency investigations and examinations. Without the
70 exemption, the department would continue to be excluded from
71 information due to the inability to maintain investigative
72 confidentiality. Without the sharing and coordination of
73 information, governmental agencies may be required to conduct
74 duplicative independent investigations or examinations in order
75 to meet their regulatory responsibilities. With this exemption,
76 the department will strengthen relationships with other local,
77 state, and federal agencies, allowing them to become more
78 efficient by sharing critical investigative data.

HB 997

2015

79 | Section 3. This act shall take effect upon becoming a law
80 | if HB 995 or similar legislation is adopted in the same
81 | legislative session or an extension thereof and becomes law.