

1 A bill to be entitled
 2 An act relating to public records; amending s. 633.111,
 3 F.S; providing an exemption from public records
 4 requirements for papers, documents, reports, or evidence
 5 relative to the subject of investigations conducted by the
 6 State Fire Marshal; providing for future legislative
 7 review and repeal; providing a statement of public
 8 necessity; providing a contingent effective date.

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

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 12 Section 1. Section 633.111, Florida Statutes, is amended
 13 to read:

14 (Substantial rewording of section. See
 15 s. 633.111, F.S., for current text.)

16 633.111 State Fire Marshal records of investigations;
 17 public records exemption.--

18 (1) The State Fire Marshal's papers, documents, reports,
 19 or evidence relative to the subject of an investigation under
 20 this section are confidential and exempt from the provisions of
 21 s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 22 until such investigation is completed or ceases to be active.
 23 For purposes of this subsection, an investigation is considered
 24 "active" while the investigation is being conducted by the
 25 office or department with a reasonable, good faith belief that
 26 it could lead to the filing of administrative, civil, or
 27 criminal proceedings. An investigation does not cease to be
 28 active if the office or department is proceeding with reasonable

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29 dispatch and has a good faith belief that action could be
30 initiated by the department or other administrative or law
31 enforcement agency. After an investigation is completed or
32 ceases to be active, portions of records relating to the
33 investigation shall remain exempt from the provisions of s.
34 119.07(1) and s. 24(a), Art. I of the State Constitution if
35 disclosure would:

36 (a) Jeopardize the integrity of another active
37 investigation;

38 (b) Impair the safety and soundness of an insurer;

39 (c) Reveal personal financial information;

40 (d) Reveal the identity of a confidential source;

41 (e) Defame or cause unwarranted damage to the good name or
42 reputation of an individual or jeopardize the safety of an
43 individual; or

44 (f) Reveal investigative techniques or procedures.

45 (2) This section is subject to the Open Government Sunset
46 Review Act in accordance with s. 119.15 and shall stand repealed
47 on October 2, 2013, unless reviewed and saved from repeal
48 through reenactment by the Legislature.

49 Section 2. (1) The Legislature finds that it is a public
50 necessity that information received or created during an
51 investigation conducted by the Department of Financial Services
52 pursuant to chapter 633, Florida Statutes, be made confidential
53 and exempt from disclosure until the investigation is completed
54 or ceases to be active or, if the department submits the
55 information to any law enforcement, administrative agency, or
56 regulatory organization for further investigation, until that

57 agency's or organization's investigation, inspection, or
58 examination is completed or ceases to be active, in order to
59 protect the integrity of such investigations. An investigation
60 may lead to filing an administrative, civil, or criminal
61 proceeding or to denying or conditionally granting a license,
62 registration, or permit. The public necessity exists to the
63 extent disclosure might jeopardize the integrity of another
64 active investigation, reveal the name, address, telephone
65 number, social security number, or any other identifying
66 information of any complainant, consumer, or confidential
67 source; disclose investigative techniques or procedures; reveal
68 a trade secret as defined in s. 688.002, Florida Statutes; or
69 reveal proprietary business information.

70 (2) The Legislature further finds that it is a public
71 necessity that information received during an investigation
72 conducted by the department pursuant to chapter 633, Florida
73 Statutes, that would jeopardize the integrity of another active
74 investigation, be made confidential and exempt from disclosure
75 at all times.

76 (3) The Legislature finds that it is a public necessity
77 that information received from an insurer during an
78 investigation conducted by the department pursuant to chapter
79 633, Florida Statutes, that would impair the safety and
80 soundness of the insurer be made confidential and exempt from
81 disclosure at all times.

82 (4) Investigations by the department frequently involve
83 the gathering of personal, sensitive information concerning
84 individuals, such as complainants, consumers, or other

85 confidential sources. The department may not otherwise have this
86 information in its possession but for the investigation. The
87 Legislature finds that due to the sensitive nature of such
88 information, it is a public necessity that the information not
89 be made available to the public. If disclosed, such information
90 may cause unwarranted damage to such persons by facilitating
91 identity theft or jeopardizing the safety of such individuals.

92 (5) The Legislature further finds that it is a public
93 necessity that the identity of a confidential informant received
94 during an investigation conducted by the department pursuant to
95 chapter 633, Florida Statutes, be made confidential and exempt
96 from disclosure at all times.

97 (6) The Legislature further finds that it is a public
98 necessity that information received during an investigation
99 conducted by the department pursuant to chapter 633, Florida
100 Statutes, that would defame or cause unwarranted damage to the
101 good name or reputation of an individual, or jeopardize the
102 safety of an individual, be made confidential and exempt from
103 disclosure at all times.

104 (7) The Legislature further finds that it is a public
105 necessity that the department's investigative techniques or
106 procedures be made confidential and exempt from disclosure at
107 all times. Revelation of such techniques or procedures may
108 inhibit the effective and efficient administration of the
109 department to conduct investigations and allow a person to hide
110 or conceal violations of law that would have otherwise been
111 discovered during an investigation. As such, the department's
112 ability to perform an effective investigation may be hindered.

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113 Section 3. This act shall take effect on the same date
114 that House Bill 1041 or similar legislation takes effect, if
115 such legislation is adopted in the same legislative session or
116 an extension thereof and becomes law.