

By Senator Richter

23-01727-15

20151446__

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 the
8 other state or federal law; providing an exemption
9 from public records requirements for information
10 received 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; providing a statement
14 of public necessity; providing a contingent effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 570.077, Florida Statutes, is created to
20 read:

21 570.077 Confidentiality of intelligence and investigative
22 information.-

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

27 (a) Criminal and civil intelligence, investigative
28 information, and any other information received from another
29 state or federal regulatory, administrative, or criminal justice

23-01727-15

20151446__

30 agency which is confidential or exempt pursuant to the laws of
31 the other state or federal law.

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

38 (2) Subsection (1) does not apply to information received
39 or developed by the department which would otherwise be
40 available for public inspection if the department had conducted
41 an independent examination or investigation under Florida law.

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43 Review Act in accordance with s. 119.15 and shall stand repealed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

46 Section 2. (1) The Legislature finds that it is a public
47 necessity that criminal and civil intelligence, investigative
48 information, and any other information held by the Department of
49 Agriculture and Consumer Services before, on, or after July 1,
50 2015, which is received from another state or federal
51 regulatory, administrative, or criminal justice agency and which
52 is confidential or exempt pursuant to the laws of the other
53 state or federal law be made confidential and exempt from s.
54 119.07(1), Florida Statutes, and s. 24(a), Article I of the
55 State Constitution. Without the exemption, the department will
56 be unable to obtain information that could assist it in pursuing
57 violations of law under its jurisdiction. With this exemption,
58 the department should increase efficiency of investigations by

23-01727-15

20151446__

59 saving time in developing investigative leads, witness data, and
60 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 s. 119.07(1), Florida Statutes, and s. 24(a),
68 Article I of the State Constitution. The exemption is necessary
69 to enable the department to participate in joint or multiagency
70 investigations and examinations. Without the exemption, the
71 department would continue to be excluded from information due to
72 the inability to maintain investigative confidentiality. Without
73 the sharing and coordination of information, governmental
74 agencies may be required to conduct duplicative independent
75 investigations or examinations in order to meet their regulatory
76 responsibilities. With this exemption, the department will
77 strengthen relationships with other local, state, and federal
78 agencies, allowing them to become more efficient by sharing
79 critical intelligence and investigative data.

80 Section 3. This act shall take effect on the same date that
81 SB ____ or similar legislation takes effect, if such legislation
82 is adopted in the same legislative session or an extension
83 thereof and becomes a law.