

By the Committee on Governmental Oversight and Accountability;  
and Senator Richter

585-02713-15

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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 criminal or civil  
5 intelligence or investigative information, or any  
6 other information, held by the Department of  
7 Agriculture and Consumer Services as part of an  
8 investigation with another state or federal  
9 regulatory, administrative, or criminal justice  
10 agency; providing exceptions to the public records  
11 exemption; providing applicability; providing for  
12 future legislative review and repeal of the exemption  
13 under the Open Government Sunset Review Act; providing  
14 a statement of public necessity; providing a  
15 contingent effective 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 or investigative  
22 information.-

23 (1) Criminal or civil intelligence or investigative  
24 information, or any other information, held by the department as  
25 part of a joint or multiagency examination or investigation with  
26 another state or federal regulatory, administrative, or criminal  
27 justice agency is confidential and exempt from s. 119.07(1) and  
28 s. 24(a), Art. I of the State Constitution. The department may  
29 obtain, use, and release the information in accordance with the

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30 conditions imposed by the joint or multiagency agreement.

31 (2) The department may release information that is made  
32 confidential and exempt under subsection (1):

33 (a) In the furtherance of its official duties and  
34 responsibilities.

35 (b) To another governmental agency in the furtherance of  
36 its official duties and responsibilities.

37 (3) The public record exemption provided in subsection (1)  
38 does not apply to information held by the department as part of  
39 an independent examination or investigation conducted by the  
40 department.

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42 Review Act in accordance with s. 119.15 and shall stand repealed  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

45 Section 2. The Legislature finds that it is a public  
46 necessity that criminal or civil intelligence or investigative  
47 information, or any other information, held by the Department of  
48 Agriculture and Consumer Services as part of a joint or  
49 multiagency examination or investigation with another state or  
50 federal regulatory, administrative, or criminal justice agency  
51 be made confidential and exempt from s. 119.07(1), Florida  
52 Statutes, and s. 24(a), Article I of the State Constitution.  
53 Without the exemption, the department will be unable to obtain  
54 information that could assist it in pursuing violations of law  
55 under its jurisdiction. With this exemption, the department  
56 should increase efficiency of investigations by saving time on  
57 developing investigative leads, witness data, and victim data.  
58 Furthermore, the exemption is necessary to enable the department

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59 to participate in joint or multiagency investigations and  
60 examinations. Without the exemption, the department would  
61 continue to be excluded from information due to the inability to  
62 maintain investigative confidentiality. Without the sharing and  
63 coordination of information, governmental agencies may be  
64 required to conduct duplicative independent investigations or  
65 examinations in order to meet their regulatory responsibilities.  
66 With this exemption, the department will strengthen  
67 relationships with other local, state, and federal agencies,  
68 allowing them to become more efficient by sharing critical  
69 investigative data.

70       Section 3. This act shall take effect upon becoming a law  
71 if SB 1444 or similar legislation is adopted in the same  
72 legislative session or an extension thereof and becomes law.