

By the Committees on Rules; and Governmental Oversight and Accountability; and Senator Richter

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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.

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

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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 which is confidential or exempt under the laws or
28 regulations of that state or federal agency is confidential and
29 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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30 Constitution. The department may obtain, use, and release the
31 information in accordance with the conditions imposed by the
32 joint or multiagency agreement.

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

35 (a) In the furtherance of its official duties and
36 responsibilities.

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

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

43 (4) 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44 Review Act in accordance with s. 119.15 and shall stand repealed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. The Legislature finds that it is a public
48 necessity that criminal or civil intelligence or investigative
49 information, or any other information, held by the Department of
50 Agriculture and Consumer Services as part of a joint or
51 multiagency examination or investigation with another state or
52 federal regulatory, administrative, or criminal justice agency
53 which is confidential or exempt under the laws or regulations of
54 that state or federal agency be made confidential and exempt
55 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
56 the State Constitution. Without the exemption, the department
57 will be unable to obtain information that could assist it in
58 pursuing violations of law under its jurisdiction. With this

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

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