

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 other  
6           information held by the Department of Agriculture and  
7           Consumer Services as part of an investigation with  
8           another state or federal regulatory, administrative,  
9           or criminal justice agency; providing exceptions to  
10          the exemption; providing applicability; providing for  
11          future legislative review and repeal of the exemption;  
12          providing a statement of public necessity; providing a  
13          contingent effective date.

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

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

19           570.077 Confidentiality of intelligence or investigative  
20 information.-

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

27 obtain, use, and release the information in accordance with the  
28 conditions imposed by the joint or multiagency agreement.

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

31 (a) In the furtherance of its official duties and  
32 responsibilities.

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

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

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40 Review Act in accordance with s. 119.15 and shall stand repealed  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

43 Section 2. The Legislature finds that it is a public  
44 necessity that criminal or civil intelligence or investigative  
45 information or any other information held by the Department of  
46 Agriculture and Consumer Services as part of a joint or  
47 multiagency examination or investigation with another state or  
48 federal regulatory, administrative, or criminal justice agency  
49 be made confidential and exempt from s. 119.07(1), Florida  
50 Statutes, and s. 24(a), Art. I of the State Constitution.  
51 Without the exemption, the department will be unable to obtain  
52 information that could assist it in pursuing violations of law

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

68 Section 3. This act shall take effect upon becoming a law,  
69 if CS/HB 995 or similar legislation is adopted in the same  
70 legislative session or an extension thereof and becomes law.