

By the Committee on Commerce and Tourism; and Senator Richter

577-02536-16

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

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

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

20 570.077 Confidentiality of intelligence or investigative  
21 information.-

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

32 (2) The department may release information that is made

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33 confidential and exempt under subsection (1):

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

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

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

42 (4) 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43 Review Act in accordance with s. 119.15 and shall stand repealed  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, 2021, unless reviewed and saved from repeal  
45 through reenactment by the Legislature.

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

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

72 Section 3. This act shall take effect upon becoming a law  
73 if SB 772 or similar legislation is adopted in the same  
74 legislative session or an extension thereof and becomes a law.