

2016754er

1
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

2016754er

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
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43 Review Act in accordance with s. 119.15 and shall stand repealed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

2016754er

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
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.