



552118

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/18/2019	.	
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The Committee on Commerce and Tourism (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (5), (6), and (7) are added to
section 570.233, Florida Statutes, as created by SB 1652, 2019
Regular Session, to read:

570.233 Consumer Fraud, Identity Theft, and Skimmer Working
Group.—

(5)(a) Any criminal intelligence information, investigative



552118

11 information, and surveillance techniques, procedures, or
12 personnel, and any other information held by a law enforcement
13 agency that is exempt or confidential and exempt from s.
14 119.07(1) and s. 24(a), Art. I of the State Constitution and
15 that is obtained by the Consumer Fraud, Identity Theft, and
16 Skimmer Working Group in developing the plan required under this
17 section, retains its exempt or confidential and exempt status
18 when held by the working group.

19 (6) Those portions of meetings of the working group at
20 which criminal intelligence information, investigative
21 information, or surveillance techniques, procedures, or
22 personnel, or any other information held by a law enforcement
23 agency that is exempt or confidential and exempt, is discussed
24 are exempt from s. 286.011 and s. 24(b), Art. I of the State
25 Constitution.

26 (7) Subsections (5) and (6) are subject to the Open
27 Government Sunset Review Act in accordance with s. 119.15 and
28 shall stand repealed on October 2, 2024, unless reviewed and
29 saved from repeal through reenactment by the Legislature.

30 Section 2. (1) The Legislature finds that it is a public
31 necessity that all criminal intelligence information,
32 investigative information, and surveillance techniques,
33 procedures, or personnel, and any other information held by a
34 law enforcement agency that is exempt or confidential and exempt
35 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
36 the State Constitution remain exempt or confidential and exempt
37 after it is obtained by the Consumer Fraud, Identity Theft, and
38 Skimmer Working Group. Otherwise, sensitive law enforcement
39 information and personal information of victims of financial



552118

40 crimes would be disclosed, and open communication and
41 coordination among the parties involved in the working group
42 would be hampered. Additionally, premature release of such
43 information could frustrate or thwart a criminal investigation
44 and lead to further criminal activity. The release of such
45 information by the Department of Agriculture and Consumer
46 Services would undermine the specific statutory exemption
47 protecting that information. The harm that would result from the
48 release of such information substantially outweighs any public
49 benefit that would be achieved by disclosure.

50 (2) The Legislature further finds that it is a public
51 necessity that portions of meetings of the Consumer Fraud,
52 Identity Theft, and Skimmer Working Group at which criminal
53 intelligence information, investigative information, or
54 surveillance techniques, procedures, or personnel, or any other
55 information held by a law enforcement agency, that is exempt or
56 confidential and exempt, is discussed be exempt from s. 286.011,
57 Florida Statutes, and s. 24(b), Article I of the State
58 Constitution. The failure to close portions of meetings at which
59 exempt or confidential and exempt information is discussed would
60 defeat the purpose of the public records exemption. Further, the
61 Legislature finds that the exemption is narrowly tailored to
62 apply to only certain portions of meetings of the working group
63 to allow for public oversight.

64 Section 3. This act shall take effect on the same date that
65 SB 1652 or similar legislation takes effect, if such legislation
66 is adopted in the same legislative session or an extension
67 thereof and becomes law.

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552118

69 ===== T I T L E A M E N D M E N T =====

70 And the title is amended as follows:

71 Delete everything before the enacting clause

72 and insert:

73 A bill to be entitled

74 An act relating to public records and public meetings;
75 amending s. 570.233, F.S.; specifying that certain
76 information held by a law enforcement agency that is
77 obtained by the Consumer Fraud, Identity Theft, and
78 Skimmer Working Group, which is exempt or confidential
79 and exempt from public records requirements, retains
80 its protected status; providing an exemption from
81 public meetings requirements for portions of working
82 group meetings at which such exempt or confidential
83 and exempt information is discussed; providing for
84 future legislative review and repeal; providing
85 statements of public necessity; providing a contingent
86 effective date.