

By the Committee on Commerce and Tourism

577-03165-19

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 amending s. 570.233, F.S.; specifying that certain
4 information held by a law enforcement agency that is
5 obtained by the Consumer Fraud, Identity Theft, and
6 Skimmer Working Group, which is exempt or confidential
7 and exempt from public records requirements, retains
8 its protected status; providing an exemption from
9 public meetings requirements for portions of working
10 group meetings at which such exempt or confidential
11 and exempt information is discussed; providing for
12 future legislative review and repeal; providing
13 statements of public necessity; providing a contingent
14 effective date.

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

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

21 570.233 Consumer Fraud, Identity Theft, and Skimmer Working
22 Group.—

23 (5) (a) Any criminal intelligence information, investigative
24 information, and surveillance techniques, procedures, or
25 personnel, and any other information held by a law enforcement
26 agency that is exempt or confidential and exempt from s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution and
28 that is obtained by the Consumer Fraud, Identity Theft, and
29 Skimmer Working Group in developing the plan required under this

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30 section, retains its exempt or confidential and exempt status
31 when held by the working group.

32 (6) Those portions of meetings of the working group at
33 which criminal intelligence information, investigative
34 information, or surveillance techniques, procedures, or
35 personnel, or any other information held by a law enforcement
36 agency that is exempt or confidential and exempt, is discussed
37 are exempt from s. 286.011 and s. 24(b), Art. I of the State
38 Constitution.

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41 shall stand repealed on October 2, 2024, unless reviewed and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

43 Section 2. (1) The Legislature finds that it is a public
44 necessity that all criminal intelligence information,
45 investigative information, and surveillance techniques,
46 procedures, or personnel, and any other information held by a
47 law enforcement agency that is exempt or confidential and exempt
48 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
49 the State Constitution remain exempt or confidential and exempt
50 after it is obtained by the Consumer Fraud, Identity Theft, and
51 Skimmer Working Group. Otherwise, sensitive law enforcement
52 information and personal information of victims of financial
53 crimes would be disclosed, and open communication and
54 coordination among the parties involved in the working group
55 would be hampered. Additionally, premature release of such
56 information could frustrate or thwart a criminal investigation
57 and lead to further criminal activity. The release of such
58 information by the Department of Agriculture and Consumer

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59 Services would undermine the specific statutory exemption
60 protecting that information. The harm that would result from the
61 release of such information substantially outweighs any public
62 benefit that would be achieved by disclosure.

63 (2) The Legislature further finds that it is a public
64 necessity that portions of meetings of the Consumer Fraud,
65 Identity Theft, and Skimmer Working Group at which criminal
66 intelligence information, investigative information, or
67 surveillance techniques, procedures, or personnel, or any other
68 information held by a law enforcement agency, that is exempt or
69 confidential and exempt, is discussed be exempt from s. 286.011,
70 Florida Statutes, and s. 24(b), Article I of the State
71 Constitution. The failure to close portions of meetings at which
72 exempt or confidential and exempt information is discussed would
73 defeat the purpose of the public records exemption. Further, the
74 Legislature finds that the exemption is narrowly tailored to
75 apply to only certain portions of meetings of the working group
76 to allow for public oversight.

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