

By Senator Bracy

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 570.233, F.S.; specifying that certain
4 information held by a law enforcement agency which is
5 obtained by the Fraud, Identity Theft, Skimmer
6 Advisory Task Force and which is exempt or
7 confidential and exempt from public records
8 requirements retains its protected status; providing
9 an exemption from public meetings requirements for
10 portions of advisory task force meetings at which such
11 exempt or confidential and exempt information is
12 discussed; providing for future legislative review and
13 repeal; providing statements of public necessity;
14 providing an 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. Section 570.233, Florida Statutes, is created to
19 read:

20 570.233 Fraud, Identity Theft, Skimmer Advisory Task Force;
21 public records exemption.-

22 (1) Any criminal intelligence information, investigative
23 information, and surveillance techniques, procedures, or
24 personnel, and any other information held by a law enforcement
25 agency which is exempt or confidential and exempt from s.
26 119.07(1) and s. 24(a), Art. I of the State Constitution and
27 which is obtained by the Fraud, Identity Theft, Skimmer Advisory
28 Task Force created by the commissioner pursuant to s. 570.232,
29 shall retain its exempt or confidential and exempt status when

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30 held by the advisory task force.

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

38 (3) This section is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15 and shall stand repealed
40 on October 2, 2025, unless reviewed and saved from repeal
41 through reenactment by the Legislature.

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

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

63 (2) The Legislature further finds that it is a public
64 necessity that portions of meetings of the Fraud, Identity
65 Theft, Skimmer Advisory Task Force 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 which 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 advisory task
76 force to allow for public oversight.

77 Section 3. This act shall take effect July 1, 2020.