

By Senator Thompson

15-01977A-23

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 616.242, F.S.; providing an exemption from public
4 records requirements for all investigatory records
5 made or received by the Department of Agriculture and
6 Consumer Services pursuant to an active amusement ride
7 investigation for a specified timeframe; providing for
8 future legislative review and repeal of the exemption;
9 providing a statement of public necessity; providing a
10 contingent effective date.

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

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14 Section 1. Paragraph (b) of subsection (14) of section
15 616.242, Florida Statutes, as amended by SB ____, 2023 Regular
16 Session, is amended to read:

17 616.242 Safety standards for amusement rides.—

18 (14) ENTRY FOR INSPECTION OR INVESTIGATION.—

19 (b) The department shall prepare a written report of each
20 investigation it conducts. All investigatory records made or
21 received by the department pursuant to an investigation are
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution until such time as the investigation
24 is completed or ceases to be active. For purposes of this
25 paragraph, an investigation is considered active so long as the
26 department is proceeding with reasonable dispatch and has a
27 reasonable good faith belief that additional information is
28 necessary and likely to be discovered which will allow the
29 department, following an accident, to make a final determination

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30 of the cause and circumstances of the accident. This paragraph
31 is subject to the Open Government Sunset Review Act in
32 accordance with s. 119.15 and shall stand repealed on October 2,
33 2028, unless reviewed and saved from repeal through reenactment
34 by the Legislature.

35 Section 2. The Legislature finds that it is a public
36 necessity that all investigatory records made or received by the
37 Department of Agriculture and Consumer Services pursuant to an
38 amusement ride investigation by the department pursuant to s.
39 616.242, Florida Statutes, be made confidential and exempt from
40 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
41 State Constitution until the investigation is completed or
42 ceases to be active. The premature release of such records could
43 frustrate or thwart the investigation and impair the ability of
44 the department to effectively and efficiently administer s.
45 616.242, Florida Statutes. In addition, the release of such
46 records before completion of an active investigation could
47 jeopardize the ongoing investigation, thereby affecting the
48 ability of the department to effectively and efficiently
49 administer the investigation. Therefore, the Legislature finds
50 that the harm that may result from the release of investigatory
51 records made or received by the department pursuant to an
52 investigation by the department of a violation of s. 616.242,
53 Florida Statutes, outweighs the public benefit that may be
54 derived from the disclosure of the information.

55 Section 3. This act shall take effect on the same date that
56 SB ___ or similar legislation takes effect, if such legislation
57 is adopted in the same legislative session or an extension
58 thereof and becomes a law.