

**By** the Appropriations Committee on Agriculture, Environment, and General Government; and Senator Thompson

601-03980-23

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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 902, 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32 accordance with s. 119.15 and shall stand repealed on October 2,  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 902 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.