

ENROLLED

CS/CS/HB 997

2015 Legislature

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2 An act relating to public records; creating s.
3 570.077, F.S.; providing an exemption from public
4 records requirements for criminal or civil
5 intelligence or investigative information or any other
6 information held by the Department of Agriculture and
7 Consumer Services as part of an investigation with
8 another state or federal regulatory, administrative,
9 or criminal justice agency; providing exceptions to
10 the exemption; providing applicability; providing for
11 future legislative review and repeal of the exemption;
12 providing a statement of public necessity; providing a
13 contingent effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 570.077, Florida Statutes, is created
18 to read:

19 570.077 Confidentiality of intelligence or investigative
20 information.-

21 (1) Criminal or civil intelligence or investigative
22 information or any other information held by the department as
23 part of a joint or multiagency examination or investigation with
24 another state or federal regulatory, administrative, or criminal
25 justice agency which is confidential or exempt under the laws or
26 regulations of that state or federal agency is confidential and

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27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution. The department may obtain, use, and release the
 29 information in accordance with the conditions imposed by the
 30 joint or multiagency agreement.

31 (2) The department may release information that is made
 32 confidential and exempt under subsection (1):

33 (a) In the furtherance of its official duties and
 34 responsibilities.

35 (b) To another governmental agency in the furtherance of
 36 its official duties and responsibilities.

37 (3) The public records exemption provided in subsection
 38 (1) does not apply to information held by the department as part
 39 of an independent examination or investigation conducted by the
 40 department.

41 (4) This section is subject to the Open Government Sunset
 42 Review Act in accordance with s. 119.15 and shall stand repealed
 43 on October 2, 2020, unless reviewed and saved from repeal
 44 through reenactment by the Legislature.

45 Section 2. The Legislature finds that it is a public
 46 necessity that criminal or civil intelligence or investigative
 47 information or any other information held by the Department of
 48 Agriculture and Consumer Services as part of a joint or
 49 multiagency examination or investigation with another state or
 50 federal regulatory, administrative, or criminal justice agency
 51 which is confidential or exempt under the laws or regulations of
 52 that state or federal agency be made confidential and exempt

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53 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the
54 State Constitution. Without the exemption, the department will
55 be unable to obtain information that could assist it in pursuing
56 violations of law under its jurisdiction. With this exemption,
57 the department should increase efficiency of investigations by
58 saving time on developing investigative leads, witness data, and
59 victim data. Furthermore, the exemption is necessary to enable
60 the department to participate in joint or multiagency
61 investigations and examinations. Without the exemption, the
62 department would continue to be excluded from information due to
63 the inability to maintain investigative confidentiality. Without
64 the sharing and coordination of information, governmental
65 agencies may be required to conduct duplicative independent
66 investigations or examinations in order to meet their regulatory
67 responsibilities. With this exemption, the department will
68 strengthen relationships with other local, state, and federal
69 agencies, allowing them to become more efficient by sharing
70 critical investigative data.

71 Section 3. This act shall take effect upon becoming a law,
72 if CS/CS/CS/HB 995 or similar legislation is adopted in the same
73 legislative session or an extension thereof and becomes law.