

1                                   A bill to be entitled  
 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:

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 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

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 42 Review Act in accordance with s. 119.15 and shall stand repealed  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

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.