HB 1243

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.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Paragraph (b) of subsection (14) of section
15	616.242, Florida Statutes, as amended by HB 1241, 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
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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 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 This paragraph 31 is subject to the Open Government Sunset Review Act in 32 accordance with s. 119.15 and shall stand repealed on October 2, 33 2028, unless reviewed and saved from repeal through reenactment 34 by the Legislature. 35 The Legislature finds that it is a public Section 2. 36 necessity that all investigatory records made or received by the Department of Agriculture and Consumer Services pursuant to an 37 38 amusement ride investigation by the department pursuant to s. 39 616.242, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the 40 State Constitution until the investigation is completed or 41 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 records before completion of an active investigation could 46 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

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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 56 that HB 1241 or similar legislation takes effect, if such 57 legislation is adopted in the same legislative session or an 58 extension thereof and becomes a law.

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