

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 570.233, F.S.; specifying that certain
4 information held by a law enforcement agency which is
5 obtained by the Fraud, Identity Theft, Skimmer
6 Advisory Task Force and which is exempt or
7 confidential and exempt from public records
8 requirements retains its protected status; providing
9 an exemption from public meetings requirements for
10 portions of advisory task force meetings in which such
11 exempt or confidential and exempt information is
12 discussed; requiring the recording and transcription
13 of exempt portions of such meetings; providing that
14 such recordings and transcripts are confidential and
15 exempt from disclosure; providing an exception;
16 providing for future legislative review and repeal;
17 providing statements of public necessity; providing an
18 effective date.

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

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22 Section 1. Section 570.233, Florida Statutes, is created
23 to read:

24 570.233 Fraud, Identity Theft, Skimmer Advisory Task
25 Force; public records exemption.-

26 (1) Any criminal intelligence information; investigative
27 information; surveillance techniques, procedures, or personnel;
28 and any other information held by a law enforcement agency which
29 is exempt or confidential and exempt from s. 119.07(1) and s.
30 24(a), Art. I of the State Constitution and which is obtained by
31 the Fraud, Identity Theft, Skimmer Advisory Task Force created
32 by the commissioner pursuant to s. 570.232, shall retain its
33 exempt or confidential and exempt status when held by the
34 advisory task force.

35 (2) (a) Those portions of meetings of the advisory task
36 force in which criminal intelligence information; investigative
37 information; surveillance techniques, procedures, or personnel;
38 or any other information held by a law enforcement agency which
39 is exempt or confidential and exempt, is discussed are exempt
40 from s. 286.011 and s. 24(b), Art. I of the State Constitution.

41 (b) All exempt portions of such meetings must be recorded
42 and transcribed. The recordings and transcripts are confidential
43 and exempt from disclosure under s. 119.07(1) and s. 24(a), Art.
44 I of the State Constitution, unless a court of competent
45 jurisdiction determines, after an in-camera review of such
46 recordings and transcripts, that the meeting was not restricted
47 to the discussion of the information that was made exempt or
48 confidential and exempt by this section. If the court makes that
49 determination, only the portion of the recording or transcript
50 that reveals nonexempt data and information may be disclosed to

51 a third party.

52 (3) This section is subject to the Open Government Sunset
53 Review Act in accordance with s. 119.15 and shall stand repealed
54 on October 2, 2025, unless reviewed and saved from repeal
55 through reenactment by the Legislature.

56 Section 2. (1) The Legislature finds that it is a public
57 necessity that all criminal intelligence information;
58 investigative information; surveillance techniques, procedures,
59 or personnel; and any other information held by a law
60 enforcement agency which is exempt or confidential and exempt
61 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
62 the State Constitution remain exempt or confidential and exempt
63 after it is obtained by the Fraud, Identity Theft, Skimmer
64 Advisory Task Force. Otherwise, sensitive law enforcement
65 information and personal information of victims of financial
66 crimes would be disclosed, and open communication and
67 coordination among the parties involved in the advisory task
68 force would be hampered. Additionally, premature release of such
69 information could frustrate or thwart a criminal investigation
70 and lead to further criminal activity. The release of such
71 information by the Department of Agriculture and Consumer
72 Services would undermine the specific statutory exemption
73 protecting that information. The harm that would result from the
74 release of such information substantially outweighs any public
75 benefit that would be achieved by disclosure.

76 (2) The Legislature further finds that it is a public
77 necessity that portions of meetings of the Fraud, Identity
78 Theft, Skimmer Advisory Task Force at which criminal
79 intelligence information, investigative information, or
80 surveillance techniques, procedures, or personnel, or any other
81 information held by a law enforcement agency which is exempt or
82 confidential and exempt is discussed be exempt from s. 286.011,
83 Florida Statutes, and s. 24(b), Article I of the State
84 Constitution. The failure to close portions of meetings at which
85 exempt or confidential and exempt information is discussed would
86 defeat the purpose of the public records exemption. Further, the
87 Legislature finds that the exemption is narrowly tailored to
88 apply to only certain portions of meetings of the advisory task
89 force to allow for public oversight.

90 Section 3. This act shall take effect July 1, 2020.