

## CHAPTER 2023-51

### Committee Substitute for Senate Bill No. 904

An act relating to public records; amending s. 616.242, F.S.; providing an exemption from public records requirements for all investigatory records made or received by the Department of Agriculture and Consumer Services pursuant to an active amusement ride investigation for a specified timeframe; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (b) of subsection (14) of section 616.242, Florida Statutes, as amended by SB 902, 2023 Regular Session, is amended to read:

616.242 Safety standards for amusement rides.—

(14) ENTRY FOR INSPECTION OR INVESTIGATION.—

(b) The department shall prepare a written report of each investigation it conducts. All investigatory records made or received by the department pursuant to an investigation are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the investigation is completed or ceases to be active. For purposes of this paragraph, an investigation is considered active so long as the department is proceeding with reasonable dispatch and has a reasonable good faith belief that additional information is necessary and likely to be discovered which will allow the department, following an accident, to make a final determination of the cause and circumstances of the accident. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that all investigatory records made or received by the Department of Agriculture and Consumer Services pursuant to an amusement ride investigation by the department pursuant to s. 616.242, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation is completed or ceases to be active. The premature release of such records could frustrate or thwart the investigation and impair the ability of the department to effectively and efficiently administer s. 616.242, Florida Statutes. In addition, the release of such records before completion of an active investigation could jeopardize the ongoing investigation, thereby affecting the ability of the department to effectively and efficiently administer the investigation. Therefore, the Legislature finds that the harm that may result from the release of investigatory records made or received by the department pursuant to an

investigation by the department of a violation of s. 616.242, Florida Statutes, outweighs the public benefit that may be derived from the disclosure of the information.

Section 3. This act shall take effect on the same date that SB 902 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor May 11, 2023.

Filed in Office Secretary of State May 11, 2023.