

Bill No. SB 1108

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Sebesta moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (c) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.--

(3)

(c) Any information revealing the identity of a confidential informant or a confidential source is confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, and may be released only by an order of the court and upon a showing of good cause.

Section 2. Section 1 is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by

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1 the Legislature.

2           Section 3. Investigations of alleged misconduct by  
3 public officials often carry with them high interest by the  
4 press and media. The disclosure of investigative case file  
5 information can allow confidential aspects of an ongoing  
6 criminal investigation to be discerned by the person making  
7 the public records request. As a result, the identity of a  
8 confidential informant or confidential source is often  
9 revealed and the confidential informant or confidential source  
10 can easily become victim to recrimination from the subject of  
11 the complaint. Perceptions of such victimization create a  
12 strong disincentive to report public misconduct. As a public  
13 policy, this state should encourage persons to report any  
14 allegations of criminal activity by public servants and should  
15 foster an atmosphere in which those considering whether to  
16 come forward with their concerns are assured that their  
17 identities will remain confidential if needed. The Legislature  
18 intends that potential complainants, confidential informants,  
19 and confidential sources be placed on notice that their  
20 identities will remain confidential and exempt from disclosure  
21 as a means of encouraging reports of wrongdoing. The  
22 Legislature intends to exempt information revealing the  
23 identity of confidential informants and confidential sources  
24 from public disclosure. The Legislature recognizes that such  
25 persons already may be considered confidential informants  
26 under the existing law, but believes specifically that listing  
27 the persons will serve to assure potential confidential  
28 informants, confidential sources, or complainants that they  
29 are, in fact, confidential informants. The Legislature  
30 believes that these exemptions strike the best balance between  
31 the public's right of access to public agency files and the

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1 need to maintain an appropriate level of confidentiality of  
2 allegations even after investigative efforts have been  
3 concluded.

4 Section 4. This act shall take effect July 1, 2000.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 Delete everything before the enacting clause

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11 and insert:

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A bill to be entitled

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An act relating to public records; amending s.

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119.07, F.S.; providing that the identity of

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confidential informants or confidential sources

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is exempt from disclosure; providing for future

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review and repeal; providing a finding of

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public necessity; providing an effective date.

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