

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 The Committee on Security, Select offered the following:

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13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause

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16 and insert in lieu thereof:

17 Section 1. Paragraph (b) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection, examination, and duplication of
20 records; exemptions.--

21 (3)

22 (b)1. Active criminal intelligence information and
23 active criminal investigative information are exempt from the
24 provisions of subsection (1) and s. 24(a), Art. I of the State
25 Constitution.

26 2. A request by a law enforcement agency to inspect or
27 copy a public record held by another agency, the custodial
28 agency's response to such request, and any information that
29 would identify the public record that was requested by the law
30 enforcement agency or provided by the custodial agency are
31 exempt from the provisions of subsection (1) and s. 24(a),

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1 Art. I of the State Constitution, during the period in which
2 the information contained in the public record constitutes
3 active criminal intelligence information or active criminal
4 investigative information. The law enforcement agency shall
5 give written notice to the custodial agency when the criminal
6 intelligence information or criminal investigative information
7 is no longer active, thereby making the agency's response to
8 the request and information that would identify the public
9 record requested available to the public. This subparagraph is
10 subject to the Open Government Sunset Review Act of 1995, in
11 accordance with s. 119.15, and shall stand repealed on October
12 2, 2006, unless reviewed and saved from repeal through
13 reenactment by the Legislature.

14 Section 2. The Legislature finds that the exemption
15 from public records requirements which is provided by this act
16 is a public necessity because criminal investigations are
17 jeopardized when a law enforcement agency requests to inspect
18 or copy a public record, the custodial agency's response to
19 such a request, or other information that would identify the
20 records requested are available to the public. Persons who
21 obtain such information may inadvertently or purposefully make
22 the subjects of such investigations aware that an
23 investigation is active. If the subjects of an investigation
24 discover that the criminal activity in which they are engaged
25 is being investigated, the perpetrators of that activity may
26 flee, destroy evidence, evade prosecution, or accelerate the
27 timetable for the performance of that criminal activity.
28 Therefore, the Legislature finds that a request by a law
29 enforcement agency to inspect or copy public records that are
30 in the custody of another agency, as well as the custodial
31 agency's response to such a request, and any information that

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1 would identify the specific records requested by a law
2 enforcement agency must be exempt during the period in which
3 the information constitutes active criminal intelligence
4 information or active criminal investigative information.

5 Section 3. This act shall take effect upon becoming a
6 law.

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

10 And the title is amended as follows:

11 remove from the title of the bill: the entire title

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13 and insert in lieu thereof:

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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 an exemption from

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public records requirements for a request by a

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law enforcement agency to inspect or copy a

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public record held by another agency, the

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custodial agency's response to such request,

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and any information that would identify the

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requested public record, during the period in

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which the information contained in the public

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record constitutes active criminal intelligence

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information or active criminal investigative

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information; providing for future review and

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repeal; providing a statement of public

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necessity; providing an effective date.

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