

By Representatives Gelber, Harrell, Green, Ball and Bullard

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; creating an exemption from public
4 records requirements; providing that a request
5 by a law enforcement agency from another agency
6 for information from a public entity is exempt;
7 providing that the response of a public entity
8 to a law enforcement agency for information is
9 exempt; providing a statement of public
10 necessity; providing an effective date.

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

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14 Section 1. Paragraph (b) of subsection (3) of section
15 119.07, Florida Statutes, is amended to read:

16 119.07 Inspection, examination, and duplication of
17 records; exemptions.--

18 (3)

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

23 2. A request of a law enforcement agency to inspect or
24 copy a public record that is in the custody of another agency,
25 the custodian's response to the request, and any information
26 that would identify the public record that was requested by
27 the law enforcement agency or provided by the custodian are
28 exempt from the requirements of subsection (1) and s. 24(a),
29 Art. I of the State Constitution, during the period in which
30 the information constitutes criminal intelligence information
31 or criminal investigative information that is active. The law

1 enforcement agency shall give notice to the custodial agency
2 when the criminal intelligence information or criminal
3 investigative information is no longer active, so that the
4 custodian's response to the request and information that would
5 identify the public record requested are available to the
6 public. This subparagraph is subject to the Open Government
7 Sunset Review Act of 1995 in accordance with s. 119.15 and
8 shall stand repealed October 2, 2007, unless reviewed and
9 saved from repeal through reenactment by the Legislature.

10 Section 2. The Legislature finds that the exemption
11 from public records requirements which is provided in section
12 119.07(3)(b)2., Florida Statutes, is a public necessity
13 because criminal investigations are jeopardized if law
14 enforcement requests to inspect or copy a public record, the
15 record custodian's response to such a request, or other
16 information that would identify the records requested are
17 available to the public. Persons who obtain such information
18 may inadvertently or purposefully make the subjects of such
19 investigations aware that an investigation is active. If it is
20 discovered that criminal activity is being investigated,
21 perpetrators of that activity may flee, destroy evidence,
22 evade prosecution, or speed up the timetable for the
23 performance of that illegal activity. Therefore, the
24 Legislature finds that requests of law enforcement agencies to
25 inspect or copy public records that are in the custody of
26 other agencies, as well as the response of the custodian to
27 such a request, and any information that would identify the
28 specific records requested by a law enforcement agency, must
29 be exempt during the period in which the information
30 constitutes criminal intelligence information or criminal
31 investigative information that is active.

