

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from  
4           public records requirements for a request by a  
5           law enforcement agency to inspect or copy a  
6           public record held by another agency, the  
7           custodial agency's response to such request,  
8           and any information that would identify the  
9           requested public record, during the period in  
10          which the information contained in the public  
11          record constitutes active criminal intelligence  
12          information or active criminal investigative  
13          information; providing for future review and  
14          repeal; providing a statement of public  
15          necessity; providing an effective date.

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

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19           Section 1. Paragraph (b) of subsection (3) of section  
20           119.07, Florida Statutes, is amended to read:

21           119.07 Inspection, examination, and duplication of  
22           records; exemptions.--

23           (3)

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

28           2. A request by a law enforcement agency to inspect or  
29           copy a public record held by another agency, the custodial  
30           agency's response to such request, and any information that  
31           would identify the public record that was requested by the law

1 enforcement agency or provided by the custodial agency are  
 2 exempt from the provisions of subsection (1) and s. 24(a),  
 3 Art. I of the State Constitution, during the period in which  
 4 the information contained in the public record constitutes  
 5 active criminal intelligence information or active criminal  
 6 investigative information. The law enforcement agency shall  
 7 give written notice to the custodial agency when the criminal  
 8 intelligence information or criminal investigative information  
 9 is no longer active, thereby making the agency's response to  
 10 the request and information that would identify the public  
 11 record requested available to the public. This subparagraph is  
 12 subject to the Open Government Sunset Review Act of 1995, in  
 13 accordance with s. 119.15, and shall stand repealed on October  
 14 2, 2006, unless reviewed and saved from repeal through  
 15 reenactment by the Legislature.

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

1 in the custody of another agency, as well as the custodial  
2 agency's response to such a request, and any information that  
3 would identify the specific records requested by a law  
4 enforcement agency must be exempt during the period in which  
5 the information constitutes active criminal intelligence  
6 information or active criminal investigative information.

7           Section 3. This act shall take effect upon becoming a  
8 law.

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