

By the Committee on Security, Select and Representatives
 Gelber, Ball, Green, Cantens, Hart and Machek

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.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 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9 is no longer active, thereby making the agency's response to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13 accordance with s. 119.15, and shall stand repealed on October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.

9
10 *****

11 HOUSE SUMMARY

12 Provides an exemption from public records requirements
13 for a request by a law enforcement agency to inspect or
14 copy a public record held by another agency, the
15 custodial agency's response to such request, and any
16 information that would identify the requested public
17 record, during the period in which the information
18 contained in the public record constitutes active
19 criminal intelligence information or active criminal
20 investigative information. Provides for future review and
21 repeal of the exemption and provides a statement of
22 public necessity.
23
24
25
26
27
28
29
30
31