

By the Committee on Criminal Justice

591-565A-07

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A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to requests for public records by law enforcement agencies; clarifying that the exemption applies during the period that the information identifying a public-records request constitutes active criminal intelligence information; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.--

(2) AGENCY INVESTIGATIONS.--

(c)1. Active criminal intelligence information and active criminal investigative information are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2.a. A request made by ~~of~~ a law enforcement agency to inspect or copy a public record that is in the custody of another agency, the custodian's response to the request, and any information that would identify the public record that has been ~~was~~ requested by the law enforcement agency or provided by the custodian are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, during the period in which

1 the information constitutes active criminal intelligence  
2 information or active criminal investigative information ~~that~~  
3 ~~is active. This exemption is remedial in nature, and it is the~~  
4 ~~intent of the Legislature that the exemption be applied to~~  
5 ~~requests for information received before, on, or after the~~  
6 ~~effective date of this subparagraph.~~

7 b. The law enforcement agency that made the request to  
8 inspect or copy a public record shall give notice to the  
9 custodial agency when the criminal intelligence information or  
10 criminal investigative information is no longer active, so  
11 that the request made by the law enforcement agency, the  
12 custodian's response to the request, and information that  
13 would identify the public record requested are available to  
14 the public.

15 c. This exemption is remedial in nature, and it is the  
16 intent of the Legislature that the exemption be applied to  
17 requests for information received before, on, or after the  
18 effective date of this paragraph. This subparagraph is subject  
19 to the Open Government Sunset Review Act in accordance with s.  
20 119.15 and shall stand repealed October 2, 2007, unless  
21 reviewed and saved from repeal through reenactment by the  
22 Legislature.

23 Section 2. This act shall take effect October 1, 2007.

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26 SENATE SUMMARY

27 Clarifies an exemption from the public-records law which  
28 is provided for information identifying requests for  
29 public records by law enforcement agencies. Removes the  
30 repeal of the exemption scheduled to occur on October 2,  
31 2007, under the Open Government Sunset Review Act.