

By the Committees on Governmental Operations; and Criminal Justice

585-2172-07

1   A bill to be entitled  
2   An act relating to a review under the Open  
3   Government Sunset Review Act; amending s.  
4   119.071, F.S., relating to requests for public  
5   records by law enforcement agencies; clarifying  
6   that the exemption applies during the period  
7   that the information identifying a  
8   public-records request constitutes active  
9   criminal intelligence information; saving the  
10    exemption from repeal under the Open Government  
11    Sunset Review Act; deleting provisions that  
12    provide for the repeal of the exemption;  
13    providing an effective date.  
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15   Be It Enacted by the Legislature of the State of Florida:  
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17    Section 1. Paragraph (c) of subsection (2) of section  
18   119.071, Florida Statutes, is amended to read:  
19    119.071 General exemptions from inspection or copying  
20   of public records.--  
21    (2) AGENCY INVESTIGATIONS.--  
22    (c)1. Active criminal intelligence information and  
23   active criminal investigative information are exempt from s.  
24   119.07(1) and s. 24(a), Art. I of the State Constitution.  
25    2.a. A request made by ~~of~~ a law enforcement agency to  
26   inspect or copy a public record that is in the custody of  
27   another agency and, the custodian's response to the request,  
28   and any information that would identify whether a law  
29   enforcement agency has requested or received that the public  
30   record that was requested by the law enforcement agency or  
31   provided by the custodian are exempt from s. 119.07(1) and s.

1 24(a), Art. I of the State Constitution, during the period in  
2 which the information constitutes active criminal intelligence  
3 information or active criminal investigative information ~~that~~  
4 ~~is active. This exemption is remedial in nature, and it is the~~  
5 ~~intent of the Legislature that the exemption be applied to~~  
6 ~~requests for information received before, on, or after the~~  
7 ~~effective date of this subparagraph.~~

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11 criminal investigative information is no longer active, so  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

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

25 Section 2. This act shall take effect October 1, 2007.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 816

Clarifies that any information that would identify whether a law enforcement agency has requested or received a public record from another agency is protected during the period when the information is active criminal intelligence or investigative information.