

By the Committee on Infrastructure and Security

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.071, F.S.; exempting from public records
4 requirements active threat assessments and threat
5 management records; providing circumstances under
6 which such records are considered active; defining
7 terms; providing for future legislative review and
8 repeal of the exemption; providing a statement of
9 public necessity; providing a contingent effective
10 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 (c) of subsection (2) of section
15 119.071, Florida Statutes, is amended to read:

16 119.071 General exemptions from inspection or copying of
17 public records.—

18 (2) AGENCY INVESTIGATIONS.—

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

22 2.a. A request made by a law enforcement agency to inspect
23 or copy a public record that is in the custody of another agency
24 and the custodian's response to the request, and any information
25 that would identify whether a law enforcement agency has
26 requested or received that public record are exempt from s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution, during
28 the period in which the information constitutes active criminal
29 intelligence information or active criminal investigative

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30 information.

31 b. The law enforcement agency that made the request to
32 inspect or copy a public record shall give notice to the
33 custodial agency when the criminal intelligence information or
34 criminal investigative information is no longer active so that
35 the request made by the law enforcement agency, the custodian's
36 response to the request, and information that would identify
37 whether the law enforcement agency had requested or received
38 that public record are available to the public.

39 c. This exemption is remedial in nature, and it is the
40 intent of the Legislature that the exemption be applied to
41 requests for information received before, on, or after the
42 effective date of this paragraph.

43 3.a. Active criminal intelligence information and active
44 criminal investigative information or other exempt information
45 or records shared with another agency or governmental entity in
46 the furtherance of its official duties and responsibilities
47 pursuant to a multidisciplinary information-sharing agreement
48 retain their exempt status pursuant to s. 119.07(1) and s.
49 24(a), Art. I of the State Constitution.

50 b. Active threat assessment and active threat management
51 records are exempt from s. 119.07(1) and s. 24(a), Art. I of the
52 State Constitution. Threat assessment and threat management
53 records shall be considered "active" as long as they relate to
54 an ongoing good faith belief by the Department of Law
55 Enforcement that a threat assessment or a threat management plan
56 will lead to detection, reasonable anticipation, prevention, or
57 monitoring of possible targeted violence when the assessment or
58 records are in the possession of a criminal justice agency or

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59 its employees, a governmental agency, whether state or federal,
60 or any other governmental entity pursuant to a multidisciplinary
61 information-sharing agreement for a public safety purpose,
62 including, but not limited to, a targeted violence threat
63 assessment and management plan.

64 c. As used in this subparagraph, the term:

65 (I) "Multidisciplinary information-sharing agreement" means
66 an agreement entered into between a law enforcement agency and
67 another law enforcement agency, a criminal justice agency, or
68 any other entity to share active criminal intelligence or active
69 criminal investigative information for the purposes of
70 furthering information sharing for law enforcement criminal
71 intelligence purposes, criminal investigative purposes, threat
72 assessments, or threat management plans.

73 (II) "Targeted violence" means a situation involving an
74 identifiable person or group of persons who actively pursue
75 physical injury or harm toward an identifiable target or
76 prospective victim, including, but not limited to, a specific
77 person, a group of persons, an entity, or a location.

78 (III) "Threat assessment" means the process of collecting
79 and sharing active criminal intelligence information or active
80 criminal investigative information in a multidisciplinary effort
81 to contextualize and understand a targeted violence threat.

82 (IV) "Threat management" means the process of developing,
83 implementing, and monitoring an individualized plan in a
84 multidisciplinary effort to intervene, mitigate, or prevent a
85 targeted violence threat.

86 d. This subparagraph is subject to the Open Government
87 Sunset Review Act in accordance with s. 119.15 and shall stand

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88 repealed on October 2, 2025, unless reviewed and saved from
89 repeal through reenactment by the Legislature.

90 Section 2. The Legislature finds that it is a public
91 necessity that records related to active threat assessments and
92 active threat management plans be made exempt from s. 119.07(1),
93 Florida Statutes, and s. 24(a), Article I of the State
94 Constitution. The Legislature finds that it is a public
95 necessity for law enforcement agencies and criminal justice
96 agencies to be able to share active threat assessment and threat
97 management records securely with vital multidisciplinary
98 partners who have important roles in threat assessments and
99 threat management plans and that the information retain its
100 exempt status. The Legislature finds that the release of these
101 records could hinder active criminal investigations and could
102 cause harm to the person under the threat assessment and threat
103 management plan and could potentially cause certain individuals
104 to proceed with their intentions to cause targeted violence. The
105 Legislature finds that the release of these records and the
106 potential impact that the release may have on an individual
107 under an active threat assessment or active threat management
108 plan could cause harm to the residents in this state if such
109 information were made public. The Legislature is gravely
110 concerned and saddened by the horrific mass shootings
111 perpetrated in this state. The Legislature is concerned about
112 the increase in these targeted violence incidents and finds that
113 it is important for law enforcement agencies, criminal justice
114 agencies, and their multidisciplinary partners to use the
115 valuable tool of threat assessments and threat management plans
116 to proactively mitigate and prevent these threats and protect

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117 the people of this state.

118 Section 3. This act shall take effect on the same date that
119 SB 7028 or similar legislation takes effect, if such legislation
120 is adopted in the same legislative session or an extension
121 thereof and becomes a law.