

**FOR CONSIDERATION 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.

11  
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34 criminal investigative information is no longer active so that  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 \_\_\_ 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.