

By the Committee on Governmental Oversight and Accountability

585-03763-20

20207056__

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 assessment and active
5 threat management records; providing circumstances
6 under which such records are considered active;
7 defining terms; providing for future legislative
8 review and repeal of the exemption; providing a
9 statement of public necessity; providing an effective
10 date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
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

585-03763-20

20207056__

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34 criminal investigative information is no longer active so that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 under a multidisciplinary information-sharing agreement retain
48 their exempt status. Active criminal intelligence information
49 and active criminal investigative information and other exempt
50 information or records shared with another criminal justice
51 agency in the furtherance of its official duties retain their
52 exempt status as otherwise provided by law.

53 b. Active threat assessment and active threat management
54 records are exempt from s. 119.07(1) and s. 24(a), Art. I of the
55 State Constitution. Threat assessment and threat management
56 records shall be considered "active" as long as they relate to
57 an ongoing good faith belief by the Department of Law
58 Enforcement or the lead law enforcement agency that a threat

585-03763-20

20207056__

59 assessment or a threat management plan will lead to detection,
60 reasonable anticipation, prevention, or monitoring of possible
61 targeted violence when the assessment or records are in the
62 possession of a criminal justice agency or its employees, a
63 governmental agency, whether state or federal, or any other
64 governmental entity pursuant to a multidisciplinary information-
65 sharing agreement.

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

67 (I) "Lead law enforcement agency" means the law enforcement
68 agency designated as the lead agency in a multidisciplinary
69 information-sharing agreement.

70 (II) "Multidisciplinary information-sharing agreement"
71 means an agreement entered into between a lead law enforcement
72 agency and another law enforcement agency, a criminal justice
73 agency, or any other entity to share active criminal
74 intelligence or active criminal investigative information for
75 the purposes of furthering information sharing for law
76 enforcement criminal intelligence purposes, criminal
77 investigative purposes, threat assessments, or threat management
78 plans.

79 (III) "Targeted violence" means a situation involving an
80 identifiable person or group of persons who actively pursue
81 physical injury or harm toward an identifiable target or
82 prospective victim, including, but not limited to, a specific
83 person, a group of persons, an entity, or a location.

84 (IV) "Threat assessment" means the process of collecting
85 and sharing active criminal intelligence information or active
86 criminal investigative information in a multidisciplinary effort
87 to contextualize and understand a targeted violence threat.

585-03763-20

20207056__

88 (V) "Threat management" means the process of developing,
89 implementing, and monitoring an individualized plan in a
90 multidisciplinary effort to intervene, mitigate, or prevent a
91 targeted violence threat.

92 d. This subparagraph is subject to the Open Government
93 Sunset Review Act in accordance with s. 119.15 and shall stand
94 repealed on October 2, 2025, unless reviewed and saved from
95 repeal through reenactment by the Legislature.

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

585-03763-20

20207056__

117 perpetrated in this state. The Legislature is concerned about
118 the increase in these targeted violence incidents and finds that
119 it is important for law enforcement agencies, criminal justice
120 agencies, and their multidisciplinary partners to use the
121 valuable tools of threat assessments and threat management plans
122 to proactively mitigate and prevent these threats and protect
123 the people of this state.

124 Section 3. This act shall take effect upon becoming a law.