

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

585-03436A-20

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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 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:

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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34 criminal investigative information is no longer active so that  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 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

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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.

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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

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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.