

Committee Substitute for Senate Bill No. 22-C

An act relating to public records; amending s. 119.07, F.S.; creating an exemption from public-records requirements; providing that a request by a law enforcement agency from another agency for information from a public entity is exempt; providing that the response of a public entity to a law enforcement agency for information is exempt; providing for future repeal and review; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 119.07, Florida Statutes, is amended to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(b)~~1~~. Active criminal intelligence information and active criminal investigative information are exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution.

2. A request of a law enforcement agency to inspect or copy a public record that is in the custody of another agency, the custodian's response to the request, and any information that would identify the public record that was requested by the law enforcement agency or provided by the custodian are exempt from the requirements of subsection (1) and s. 24(a), Art. I of the State Constitution, during the period in which the information constitutes criminal-intelligence information or criminal-investigative information that is active. This exemption is remedial in nature and it is the intent of the Legislature that the exemption be applied to requests for information received before, on, or after the effective date of this subparagraph. The law enforcement agency shall give notice to the custodial agency when the criminal-intelligence information or criminal-investigative information is no longer active, so that the custodian's response to the request and information that would identify the public record requested are available to the public. This subparagraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption from public-records requirements which is provided in section 119.07(3)(b)2., Florida Statutes, is a public necessity because criminal investigations are jeopardized if law enforcement requests to inspect or copy a public record, the record custodian's response to such a request, or other information that would identify the records requested are available to the public. Persons who obtain such information may inadvertently or purposefully make the subjects of such investigations aware that an investigation is active. If it is discovered that criminal

activity is being investigated, perpetrators of that activity may flee, destroy evidence, evade prosecution, or speed up the timetable for the performance of that illegal activity. Therefore, the Legislature finds that requests of law enforcement agencies to inspect or copy public records that are in the custody of other agencies, as well as the response of the custodian to such a request, and any information that would identify the specific records requested by a law enforcement agency, must be exempt during the period in which the information constitutes criminal-intelligence information or criminal-investigative information that is active.

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

Approved by the Governor December 10, 2001.

Filed in Office Secretary of State December 10, 2001.