

Committee Substitute for Senate Bill No. 816

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to requests for public records by law enforcement agencies; clarifying that the exemption applies during the period that the information identifying a public-records request constitutes active criminal intelligence information; saving the exemption from repeal under the Open Government Sunset Review Act; deleting provisions that provide for the repeal of the exemption; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 119.071, Florida Statutes, is amended to read:

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

(2) AGENCY INVESTIGATIONS.—

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

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

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give notice to the custodial agency when the criminal intelligence information or criminal investigative information is no longer active, so that the request made by the law enforcement agency, the custodian's response to the request, and information that would identify whether the law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

c. ~~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 paragraph. This subparagraph is subject to the Open Government Sunset Review Act 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. This act shall take effect October 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.