

PCB GEAC 07-06

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding public records requests made
 4 by law enforcement agencies; amending s. 119.071, F.S.;
 5 making clarifying changes; reorganizing the exemption;
 6 deleting the provision that provides for repeal of the
 7 exemption under the Open Government Sunset Review Act;
 8 providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (c) of subsection (2) of section
 13 119.071, Florida Statutes, is amended to read:

14 119.071 General exemptions from inspection or copying of
 15 public records.--

16 (2) AGENCY INVESTIGATIONS.--

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

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

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30 ~~exemption is remedial in nature, and it is the intent of the~~
 31 ~~Legislature that the exemption be applied to requests for~~
 32 ~~information received before, on, or after the effective date of~~
 33 ~~this subparagraph.~~

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 37 criminal investigative information is no longer active, so that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

42 c. This exemption is remedial in nature, and it is the
 43 intent of the Legislature that the exemption be applied to
 44 requests to inspect or copy public records received by the
 45 custodial agency before, on, or after the effective date of this
 46 subparagraph. This subparagraph is subject to the Open Government
 47 Sunset Review Act in accordance with s. 119.15 and shall stand
 48 repealed October 2, 2007, unless reviewed and saved from repeal
 49 through reenactment by the Legislature.

50 Section 2. This act shall take effect October 1, 2007.