

By Senator Bean

4-00581-16

2016564__

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating an exemption from public records requirements
4 for any portion of records generated by the Cold Case
5 Task Force which contains active criminal intelligence
6 information or active criminal investigative
7 information; specifying that information made
8 confidential or exempt from public records
9 requirements retains its status once obtained by the
10 task force; creating an exemption from public meetings
11 requirements for any portion of a meeting of the task
12 force in which confidential or exempt information is
13 discussed or acted upon; providing for future repeal;
14 providing a statement of public necessity; providing a
15 contingent effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. (1) Any portion of records generated by the Cold
20 Case Task Force which contains active criminal intelligence
21 information or active criminal investigative information, as
22 those terms are defined in s. 119.011(3), Florida Statutes, is
23 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
24 Article I of the State Constitution.

25 (2) Information made confidential or exempt from s.
26 119.07(1), Florida Statutes, and s. 24(a), Article I of the
27 State Constitution which is obtained by the Cold Case Task Force
28 shall retain its confidential or exempt status.

29 (3) Any portion of a meeting of the Cold Case Task Force in

4-00581-16

2016564__

30 which information that is confidential or exempt from s.
31 119.07(1), Florida Statutes, and s. 24(a), Article I of the
32 State Constitution is discussed or acted upon is exempt from s.
33 286.011, Florida Statutes, and s. 24(b), Article I of the State
34 Constitution.

35 (4) This section is repealed December 1, 2017.

36 Section 2. The Legislature finds that it is a public
37 necessity that any portion of records generated by the Cold Case
38 Task Force which contains active criminal intelligence
39 information or active criminal investigative information be
40 exempt from public records requirements. The widespread release
41 of active criminal intelligence information or active criminal
42 investigative information could jeopardize the integrity and
43 effectiveness of ongoing criminal investigations; reveal the
44 identities of confidential sources; and reveal investigative
45 techniques and procedures. Thus, the Legislature finds that the
46 harm that may result from the release of such information
47 outweighs any public benefit that may be derived from the
48 disclosure of the information. Further, the Legislature finds
49 that it is a public necessity that any portion of a meeting of
50 the Cold Case Task Force in which any information that is
51 confidential or exempt from public records requirements is
52 discussed or acted upon be exempt from public meetings
53 requirements. Failure to close any portion of a meeting during
54 which confidential or exempt information is discussed or acted
55 upon would defeat the purpose of the public records exemption.
56 This exemption is narrowly drawn in that it applies only to
57 portions of meetings of the Cold Case Task Force in which
58 confidential or exempt information is discussed or acted upon.

4-00581-16

2016564__

59 Section 3. This act shall take effect on the same date that
60 SB 174 or similar legislation takes effect, if such legislation
61 is adopted in the same legislative session or an extension
62 thereof and becomes a law.