

By Representative Sindler

1 A bill to be entitled
 2 An act relating to the confidentiality of
 3 information of the Florida Violent Crime
 4 Council; amending s. 943.031, F.S.; providing
 5 certain exemptions from public records and
 6 public meetings requirements with respect to
 7 the council; providing exemptions for portions
 8 of meetings at which certain confidential
 9 records are discussed and for portions of
 10 records generated at exempt portions of
 11 meetings; providing for future review and
 12 repeal; providing a finding of public
 13 necessity; providing that the council is a
 14 criminal justice agency for purposes of chapter
 15 119, F.S., relating to public records;
 16 providing an effective date.

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

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 20 Section 1. Subsection (6) is added to section 943.031,
 21 Florida Statutes, to read:

22 943.031 Florida Violent Crime Council.--The
 23 Legislature finds that there is a need to develop and
 24 implement a statewide strategy to address violent criminal
 25 activity. In recognition of this need, the Florida Violent
 26 Crime Council is created within the department. The council
 27 shall serve in an advisory capacity to the department.

28 (6) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL
 29 MEETINGS AND RECORDS.--

30 (a)1. The Legislature finds that during limited
 31 portions of the meetings of the Florida Violent Crime Council

1 it is necessary that the council be presented and discuss
2 details, information, and documents related to active criminal
3 investigations or matters constituting active criminal
4 intelligence, as those concepts are defined by s. 119.011.
5 These presentations and discussions are necessary for the
6 council to make its funding decisions as required by the
7 Legislature. The Legislature finds that to reveal the
8 contents of documents containing active criminal investigative
9 or intelligence information or to allow active criminal
10 investigative or active criminal intelligence matters to be
11 discussed in a meeting open to the public negatively impacts
12 the ability of law enforcement agencies to efficiently
13 continue their investigative or intelligence gathering
14 activities. The Legislature finds that information coming
15 before the council that pertain to active criminal
16 investigations or intelligence should remain confidential and
17 exempt from public disclosure. The Legislature finds that the
18 Florida Violent Crime Council may, by declaring only those
19 portions of council meetings in which active criminal
20 investigative or active criminal intelligence information is
21 to be presented or discussed closed to the public, assure an
22 appropriate balance between the policy of this state that
23 meetings be public and the policy of this state to facilitate
24 efficient law enforcement efforts.

25 2. The Legislature finds that it is a public necessity
26 that portions of the meetings of the Florida Violent Crime
27 Council be closed when the confidential details, information,
28 and documents related to active criminal investigations or
29 matters constituting active criminal intelligence are
30 discussed. The Legislature further finds that it is no less a
31 public necessity that portions of public records generated at

1 closed council meetings, such as tape recordings, minutes, and
2 notes, memorializing the discussions regarding such
3 confidential details, information, and documents related to
4 active criminal investigations or matters constituting active
5 criminal intelligence, also shall be held confidential.

6 (b) The Florida Violent Crime Council shall not be
7 considered an "agency" within the definition of s. 120.52, but
8 shall be considered a "criminal justice agency" within the
9 definition of s. 119.011(4).

10 (c)1. Any portion of a Florida Violent Crime Council
11 meeting during which active criminal investigative information
12 or active criminal intelligence information is to be presented
13 to, reviewed by, or discussed by the council is exempt from
14 the provisions of s. 286.011 and s. 24(b), Art. I of the State
15 Constitution. The exemption in this paragraph is subject to
16 the Open Government Sunset Review Act of 1995 in accordance
17 with s. 119.15 and shall stand repealed on October 2, 2002,
18 unless reviewed and saved from repeal through reenactment by
19 the Legislature.

20 2. Only members of the council, Department of Law
21 Enforcement staff supporting the council's function, and other
22 persons whose presence has been authorized by the council
23 shall be allowed to attend the exempted portions of the
24 council meetings. The council shall assure that any closure
25 of its meetings as authorized by this section is limited so
26 that the general policy of this state in favor of public
27 meetings is maintained.

28 (d) Those portions of any public record, such as a
29 tape recording, minutes, and notes, generated during that
30 portion of a Florida Violent Crime Council meeting which is
31 closed to the public pursuant to this section, which contain

1 information relating to active criminal investigations or
2 matters constituting active criminal intelligence, are
3 confidential and exempt from the provisions of s. 119.07(1)
4 and s. 24(a), Art. I of the State Constitution. The
5 exemptions in this paragraph are subject to the Open
6 Government Sunset Review Act of 1995 in accordance with s.
7 119.15 and shall stand repealed on October 2, 2002, unless
8 reviewed and saved from repeal through reenactment by the
9 Legislature.

10 Section 2. This act shall take effect upon becoming a
11 law.

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13 HOUSE SUMMARY

14 Provides certain exemptions from public records and
15 public meeting requirements with respect to the Florida
16 Violent Crime Council. Provides exemptions for portions
17 of council meetings at which certain confidential records
18 are discussed and for portions of certain records
19 generated at meetings. Provides for future review and
20 repeal. Provides a finding of public necessity.
21 Provides that the council is a "criminal justice agency"
22 for purposes of ch. 119, F.S., relating to public
23 records.
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