

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 with 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 pertains 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 be
7 considered a "criminal justice agency" within the definition
8 of s. 119.011(4).

9 (c)1. The Florida Violent Crime Council may close
10 portions of meetings during which the council will hear or
11 discuss active criminal investigative information or active
12 criminal intelligence information, and such portions of
13 meetings shall be exempt from the provisions of s. 286.011 and
14 s. 24(b), Art. I of the State Constitution, provided that the
15 following conditions are met:

16 a. The chairman of the council shall advise the
17 council at a public meeting that, in connection with the
18 performance of a council duty, it is necessary that the
19 council hear or discuss active criminal investigative
20 information or active criminal intelligence information.

21 b. The chairman's declaration of necessity for closure
22 and the specific reasons for such necessity shall be stated in
23 writing in a document which shall be a public record and shall
24 be filed with the official records of the council.

25 c. The entire closed session shall be recorded. The
26 recording shall include the times of commencement and
27 termination of the closed session, all discussion and
28 proceedings, and the names of all persons present. No portion
29 of the session shall be off the record. Such recording shall
30 be maintained by the council, and is exempt from the
31 provisions of s. 119.011 and s. 24(b), Art. I of the State

1 Constitution until such time as the criminal investigative
2 information or criminal intelligence information which
3 justifies closure ceases to be active, at which time the
4 portion of the record related to the no longer active
5 information or intelligence shall be open for public
6 inspection and copying.

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8 The exemption in this paragraph is subject to the Open
9 Government Sunset Review Act of 1995 in accordance with s.
10 119.15 and shall stand repealed on October 2, 2002, unless
11 reviewed and saved from repeal through reenactment by the
12 Legislature.

13 2. Only members of the council, Department of Law
14 Enforcement staff supporting the council's function, and other
15 persons whose presence has been authorized by the council
16 shall be allowed to attend the exempted portions of the
17 council meetings. The council shall assure that any closure
18 of its meetings as authorized by this section is limited so
19 that the general policy of this state in favor of public
20 meetings is maintained.

21 (d) Those portions of any public record, such as a
22 tape recording, minutes, and notes, generated during that
23 portion of a Florida Violent Crime Council meeting which is
24 closed to the public pursuant to this section, which contain
25 information relating to active criminal investigations or
26 matters constituting active criminal intelligence, are
27 confidential and exempt from the provisions of s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution until such
29 criminal investigative information or criminal intelligence
30 information ceases to be active. The exemptions in this
31 paragraph are subject to the Open Government Sunset Review Act

1 of 1995 in accordance with s. 119.15 and shall stand repealed
2 on October 2, 2002, unless reviewed and saved from repeal
3 through reenactment by the Legislature.

4 Section 2. This act shall take effect upon becoming a
5 law.

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