

By the Committee on State Administration and  
 Representative Brummer

1                                   A bill to be entitled  
 2           An act relating to public records and public  
 3           meeting exemptions for the Florida Violent  
 4           Crime and Drug Control Council; amending s.  
 5           943.031, F.S., which provides exemptions from  
 6           public records and public meeting requirements  
 7           for meetings of the council during which active  
 8           criminal investigative information or active  
 9           criminal intelligence information is discussed,  
 10          and for recordings of, and notes generated  
 11          during, such meetings; reenacting such  
 12          exemptions and removing the October 2, 2002,  
 13          repeal thereof scheduled under the Open  
 14          Government Sunset Review Act of 1995; removing  
 15          duplicative language; providing an effective  
 16          date.

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

19  
 20           Section 1. Notwithstanding the October 2, 2002, repeal  
 21 of said paragraphs scheduled pursuant to the Open Government  
 22 Sunset Review Act of 1995, paragraphs (c) and (d) of  
 23 subsection (7) of section 943.031, Florida Statutes, are  
 24 reenacted and amended to read:

25           943.031 Florida Violent Crime and Drug Control  
 26 Council.--The Legislature finds that there is a need to  
 27 develop and implement a statewide strategy to address violent  
 28 criminal activity and drug control efforts by state and local  
 29 law enforcement agencies, including investigations of illicit  
 30 money laundering. In recognition of this need, the Florida  
 31 Violent Crime and Drug Control Council is created within the

1 department. The council shall serve in an advisory capacity to  
2 the department.

3 (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL  
4 MEETINGS AND RECORDS.--

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

12 a. The chair of the council shall advise the council  
13 at a public meeting that, in connection with the performance  
14 of a council duty, it is necessary that the council hear or  
15 discuss active criminal investigative information or active  
16 criminal intelligence information.

17 b. The chair's declaration of necessity for closure  
18 and the specific reasons for such necessity shall be stated in  
19 writing in a document that shall be a public record and shall  
20 be filed with the official records of the council.

21 c. The entire closed session shall be recorded. The  
22 recording shall include the times of commencement and  
23 termination of the closed session, all discussion and  
24 proceedings, and the names of all persons present. No portion  
25 of the session shall be off the record. Such recording shall  
26 be maintained by the council, ~~and is exempt from the~~  
27 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
28 ~~Constitution until such time as the criminal investigative~~  
29 ~~information or criminal intelligence information that~~  
30 ~~justifies closure ceases to be active, at which time the~~  
31 ~~portion of the record related to the no longer active~~

1 ~~information or intelligence shall be open for public~~  
2 ~~inspection and copying.~~

3  
4 ~~The exemption in this paragraph is subject to the Open~~  
5 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
6 ~~119.15 and shall stand repealed on October 2, 2002, unless~~  
7 ~~reviewed and saved from repeal through reenactment by the~~  
8 ~~Legislature.~~

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

17           (d) ~~Those portions of any public record, such as A~~  
18 ~~tape recording of, and any minutes, and notes, generated~~  
19 ~~during, that portion of a Florida Violent Crime and Drug~~  
20 ~~Control Council meeting which is closed to the public pursuant~~  
21 ~~to this section, which contain information relating to active~~  
22 ~~criminal investigations or matters constituting active~~  
23 ~~criminal intelligence, are confidential and exempt from the~~  
24 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
25 ~~Constitution until such time as the criminal investigative~~  
26 ~~information or criminal intelligence information ceases to be~~  
27 ~~active. The exemptions in this paragraph are subject to the~~  
28 ~~Open Government Sunset Review Act of 1995 in accordance with~~  
29 ~~s. 119.15 and shall stand repealed on October 2, 2002, unless~~  
30 ~~reviewed and saved from repeal through reenactment by the~~  
31 ~~Legislature.~~

1           Section 2. This act shall take effect October 1, 2002.

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

\*\*\*\*\*

HOUSE SUMMARY

Reenacts the public meeting exemption for portions of meetings of the Florida Violent Crime and Drug Control Council during which active criminal investigative information or active criminal intelligence information is discussed, and the public records exemption for recordings of, and notes generated during, such meetings, and removes the October 2, 2002, repeal thereof scheduled under the Open Government Sunset Review Act of 1995.