

By the Committee on Criminal Justice

307-282-02

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           amending s. 943.031, F.S.; abrogating the  
4           future repeal of exemptions from public-records  
5           and public-meetings requirements which are  
6           granted for meetings and records of meetings of  
7           the Florida Violent Crime and Drug Control  
8           Council at which active criminal investigative  
9           or intelligence information is discussed;  
10          providing an effective date.

11

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

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14           Section 1. Paragraphs (c) and (d) of subsection (7) of  
15 section 943.031, Florida Statutes, are amended to read:

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17           943.031 Florida Violent Crime and Drug Control  
18 Council.--The Legislature finds that there is a need to  
19 develop and implement a statewide strategy to address violent  
20 criminal activity and drug control efforts by state and local  
21 law enforcement agencies, including investigations of illicit  
22 money laundering. In recognition of this need, the Florida  
23 Violent Crime and Drug Control Council is created within the  
24 department. The council shall serve in an advisory capacity to  
25 the department.

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26           (7) CONFIDENTIALITY; EXEMPTED PORTIONS OF COUNCIL  
27 MEETINGS AND RECORDS.--

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28           (c)1. The Florida Violent Crime and Drug Control  
29 Council may close portions of meetings during which the  
30 council will hear or discuss active criminal investigative  
31 information or active criminal intelligence information, and  
such portions of meetings are ~~shall be~~ exempt from ~~the~~

1 ~~provisions of~~ s. 286.011 and s. 24(b), Art. I of the State  
2 Constitution, if provided that the following conditions are  
3 met:

4       a. The chair of the council shall advise the council  
5 at a public meeting that, in connection with the performance  
6 of a council duty, it is necessary that the council hear or  
7 discuss active criminal investigative information or active  
8 criminal intelligence information.

9       b. The chair's declaration of necessity for closure  
10 and the specific reasons for such necessity shall be stated in  
11 writing in a document that shall be a public record and shall  
12 be filed with the official records of the council.

13       c. The entire closed session shall be recorded. The  
14 recording shall include the times of commencement and  
15 termination of the closed session, all discussion and  
16 proceedings, and the names of all persons present. No portion  
17 of the session shall be off the record. Such recording shall  
18 be maintained by the council, ~~and is exempt from the~~  
19 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
20 ~~Constitution until such time as the criminal investigative~~  
21 ~~information or criminal intelligence information that~~  
22 ~~justifies closure ceases to be active, at which time the~~  
23 ~~portion of the record related to the no longer active~~  
24 ~~information or intelligence shall be open for public~~  
25 ~~inspection and copying.~~

26  
27 ~~The exemption in this paragraph is subject to the Open~~  
28 ~~Government Sunset Review Act of 1995 in accordance with s.~~  
29 ~~119.15 and shall stand repealed on October 2, 2002, unless~~  
30 ~~reviewed and saved from repeal through reenactment by the~~  
31 ~~legislature.~~

1           2. Only members of the council, Department of Law  
2 Enforcement staff supporting the council's function, and other  
3 persons whose presence has been authorized by the chair of the  
4 council shall be allowed to attend the exempted portions of  
5 the council meetings. The council shall assure that any  
6 closure of its meetings as authorized by this section is  
7 limited so that the general policy of this state in favor of  
8 public meetings is maintained.

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

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

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27           SENATE SUMMARY

28           Abrogates the repeal under the Open Government Sunset  
29           Review Act of 1995 of exemptions from public-records and  
30           public-meetings requirements which are granted for any  
31           meeting or the records of a meeting of the Florida  
            Violent Crime and Drug Control Council at which active  
            criminal investigative information or criminal  
            intelligence information is discussed.