

Bill No. SB 1416

Barcode 851644

1 information be discussed;

2 2. The chair declares the specific reasons why it is
3 necessary to close the meeting, or portion thereof, in a
4 document that is a public record and filed with the official
5 records of the council; and

6 3. The entire closed meeting is recorded. The
7 recording must include the times of commencement and
8 termination of the closed meeting, all discussion and
9 proceedings, and the names of the persons present. No portion
10 of the closed meeting shall be off the record. The recording
11 shall be maintained by the council.

12 (b) An audio or video recording of, and any minutes
13 and notes generated during, that portion of a closed council
14 meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of
15 the State Constitution until such time as the criminal
16 investigative information or criminal intelligence information
17 ceases to be active, and shall be retained pursuant to the
18 requirements of s. 119.021.

19 (2) Only members of the council, staff supporting the
20 council's functions, and other persons whose presence has been
21 authorized by the chair of the council shall be allowed to
22 attend the exempted portions of council meetings. The council
23 shall ensure that any closure of its meetings as authorized by
24 this section is limited so that the policy of this state in
25 favor of public meetings is maintained.

26 (3) This section is subject to the Open Government
27 Sunset Review Act of 1995 in accordance with s. 119.15 and
28 shall stand repealed on October 2, 2010, unless reviewed and
29 saved from repeal through reenactment by the Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity to close that portion of a meeting of the Domestic

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1 Security Oversight Council at which criminal investigative
2 information or criminal intelligence information is discussed.
3 The council reviews information of a highly sensitive nature
4 involving terrorism activity; counterterrorism methodologies;
5 and planning, training, and operational activities of a
6 coordinated intergovernmental prevention, protection, and
7 response strategy that requires discussion of specific
8 information related to these activities. Public discussion of
9 these activities would result in the sharing of data, methods,
10 and operational techniques that could be used by persons
11 intent on doing harm to the state to perpetrate a terrorist
12 attack. Knowledge of this level of planning and operational
13 information could result in the successful execution of an
14 attack against the residents of this state or nation. This
15 information is exempt from public disclosure pursuant to
16 sections 119.07(6) and 119.071, Florida Statutes, and if the
17 meetings at which this exempt information is discussed were
18 open to the public, the purpose of the exemptions would be
19 defeated. The council must be able to hear and discuss this
20 exempt information in full in order to make sound
21 recommendations to the Governor and Legislature regarding
22 strategies and activities to protect the welfare of the people
23 of this state. The ability to fully understand and discuss the
24 details of criminal investigative information or criminal
25 intelligence information related to terrorist activities and
26 counterterrorism measures being considered as part of an
27 overall discussion of strategic planning and funding
28 recommendations for the purchase of specialized equipment,
29 training, or services is critical to the ability of the state
30 to defend against terrorist attacks.

31 Section 3. This act shall take effect on the same date

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1 that SB 1414 or similar legislation takes effect, if such
2 legislation is enacted in the same legislative session, or an
3 extension thereof, and becomes law.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled
12 An act relating to public meetings and records;
13 creating s. 943.0314, F.S.; providing that
14 portions of meetings of the Domestic Security
15 Oversight Council are exempt from the
16 public-meetings law if information is discussed
17 which concerns active criminal investigations
18 or intelligence activities; requiring that the
19 chair of the council disclose the reason for
20 closing a meeting of the council; requiring
21 that the closed session be recorded; providing
22 that a recording or the minutes and notes
23 generated during a closed meeting are exempt
24 from the public-records law until the
25 investigation or intelligence ceases to be
26 active; specifying those persons who are
27 authorized to attend a closed meeting of the
28 council; providing for future repeal and
29 legislative review under the Open Government
30 Sunset Review Act; providing a statement of
31 public necessity; providing a contingent

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effective date.