

By the Committee on Domestic Security

583-1116A-05

1 A bill to be entitled
 2 An act relating to public meetings and records;
 3 creating s. 943.0314, F.S.; providing that
 4 portions of meetings of the Domestic Security
 5 Oversight Council are exempt from the
 6 public-meetings law if information is discussed
 7 which concerns active criminal investigations,
 8 intelligence activities, or security plans;
 9 requiring that the chair of the council
 10 disclose the reason for closing a meeting of
 11 the council; requiring that the closed session
 12 be recorded; providing that a recording or the
 13 minutes and notes generated during a closed
 14 meeting are exempt from the public-records law
 15 until the investigation or intelligence ceases
 16 to be active or the plan is no longer in use;
 17 specifying those persons who are authorized to
 18 attend a closed meeting of the council;
 19 providing for future repeal and legislative
 20 review under the Open Government Sunset Review
 21 Act; providing a statement of public necessity;
 22 providing a contingent effective date.

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

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 26 Section 1. Section 943.0314, Florida Statutes, is
 27 created to read:

28 943.0314 Meetings of the Domestic Security Oversight
 29 Council; confidentiality; exempted portions of council
 30 meetings and records.--
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1 (1)(a) That portion of a meeting of the Domestic
2 Security Oversight Council at which the council will hear or
3 discuss active criminal investigative information, active
4 criminal intelligence information, or security system plan
5 information as provided in s. 119.071 is exempt from the
6 provisions of s. 286.011 and s. 24(b), Art. I of the State
7 Constitution, if:

8 1. The chair of the council announces at a public
9 meeting that, in connection with the performance of the
10 council's duties, it is necessary that active criminal
11 investigative information, active criminal intelligence
12 information, or security system plan information as provided
13 in s. 119.071 be discussed;

14 2. The chair declares the specific reasons why it is
15 necessary to close the meeting in a document that is a public
16 record and filed with the official records of the council; and

17 3. The entire closed session is recorded. The
18 recording must include the times of commencement and
19 termination of the closed session, all discussion and
20 proceedings, and the names of the persons present. No portion
21 of the session shall be off the record. The recording shall be
22 maintained by the council.

23 (b) An audio or video recording of, and any minutes
24 and notes generated during, that portion of a council meeting
25 which is closed to the public pursuant to this section are
26 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
27 of the State Constitution until such time as the criminal
28 investigative information or criminal intelligence information
29 ceases to be active or until the security system plan
30 information is no longer in use, whichever is applicable.

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

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

12 Section 2. The Legislature finds that it is a public
13 necessity to close that portion of a meeting of the Domestic
14 Security Oversight Council at which criminal investigative
15 information, criminal intelligence information, or security
16 system plan information as provided in section 119.071,
17 Florida Statutes, is discussed. The council reviews
18 information of a highly sensitive nature involving terrorism
19 activity; counterterrorism methodologies; and planning,
20 training, and operational activities of a coordinated
21 intergovernmental prevention, protection, and response
22 strategy that requires discussion of specific information
23 related to these activities. Public discussion of these
24 activities would result in the sharing of data, methods, and
25 operational techniques that could be used by persons intent on
26 doing harm to the state to perpetrate a terrorist attack.
27 Knowledge of this level of planning and operational
28 information could result in the successful execution of an
29 attack against the residents of this state or nation. This
30 information is exempt from public disclosure pursuant to
31 sections 119.07(6) and 119.071, Florida Statutes, and if the

1 meetings at which this exempt information is discussed were
2 open to the public, the purpose of the exemptions would be
3 defeated. The council must be able to hear and discuss this
4 exempt information in full in order to make sound
5 recommendations to the Governor and Legislature regarding
6 strategies and activities to protect the welfare of the people
7 of this state. The ability to fully understand and discuss the
8 details of criminal investigative information, criminal
9 intelligence information, and security system plan information
10 related to terrorist activities and counterterrorism measures
11 being considered as part of an overall discussion of strategic
12 planning and funding recommendations for the purchase of
13 specialized equipment, training, or services is critical to
14 the ability of the state to defend against terrorist attacks.

15 Section 3. This act shall take effect on the same date
16 that Senate Bill ___ or similar legislation takes effect, if
17 such legislation is enacted in the same legislative session,
18 or an extension thereof, and becomes law.

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21 SENATE SUMMARY

22 Exempts from the public-meetings law those portions of
23 meetings of the Domestic Security Oversight Council at
24 which information is discussed which concerns active
25 criminal investigations, intelligence activities, or
26 security plans. Requires that the chair of the council
27 disclose the reason for closing a meeting of the council.
28 Provides requirements for the meeting. Exempts from the
29 public-records law any recording of, or the minutes and
30 notes generated during, a closed meeting. Provides for
31 future repeal and legislative review of the exemptions
under the Open Government Sunset Review Act.