

1                                   A bill to be entitled  
 2           An act relating to public meetings and public records;  
 3           creating s. 943.0314, F.S.; providing an exemption from  
 4           public meetings requirements for meetings or portions of  
 5           meetings of the Domestic Security Oversight Council at  
 6           which the council hears or discusses active criminal  
 7           investigative information or active criminal intelligence  
 8           information; providing conditions precedent to the closing  
 9           of such meeting or portion thereof; providing an exemption  
 10          from public records requirements for an audio or video  
 11          recording of a closed meeting of the council and any  
 12          minutes and notes generated during the closed meeting  
 13          until the criminal investigative information or criminal  
 14          intelligence information heard or discussed therein ceases  
 15          to be active; specifying those persons who are authorized  
 16          to attend a closed meeting of the council; providing for  
 17          review and repeal; providing a statement of public  
 18          necessity; providing a contingent effective date.

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

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 22           Section 1.   Section 943.0314, Florida Statutes, is created  
 23   to read:

24           943.0314 Public records and public meetings exemptions;  
 25   Domestic Security Oversight Council.--

26           (1)(a) That portion of a meeting of the Domestic Security  
 27   Oversight Council at which the council will hear or discuss  
 28   active criminal investigative information or active criminal

29 intelligence information as defined in s. 119.011 is exempt from  
 30 s. 286.011 and s. 24(b), Art. I of the State Constitution, if:

31 1. The chair of the council announces at a public meeting  
 32 that, in connection with the performance of the council's  
 33 duties, it is necessary that active criminal investigative  
 34 information or active criminal intelligence information be  
 35 discussed.

36 2. The chair declares the specific reasons that it is  
 37 necessary to close the meeting, or portion thereof, in a  
 38 document that is a public record and filed with the official  
 39 records of the council.

40 3. The entire closed meeting is recorded. The recording  
 41 must include the times of commencement and termination of the  
 42 closed meeting or portion thereof, all discussion and  
 43 proceedings, and the names of the persons present. No portion of  
 44 the closed meeting shall be off the record. The recording shall  
 45 be maintained by the council.

46 (b) An audio or video recording of, and any minutes and  
 47 notes generated during, a closed meeting of the council or  
 48 closed portion of a meeting of the council are exempt from s.  
 49 119.07(1) and s. 24(a), Art. I of the State Constitution until  
 50 such time as the criminal investigative information or criminal  
 51 intelligence information heard or discussed therein ceases to be  
 52 active. Such audio or video recording and minutes and notes  
 53 shall be retained pursuant to the requirements of s. 119.021.

54 (2) Only members of the council, staff supporting the  
 55 council's functions, and other persons whose presence has been  
 56 authorized by the chair of the council shall be allowed to

57 attend the exempted portions of council meetings. The council  
58 shall ensure that any closure of its meetings as authorized by  
59 this section is limited so that the policy of this state in  
60 favor of public meetings is maintained.

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

65 Section 2. The Legislature finds that it is a public  
66 necessity that any meeting or portion of a meeting of the  
67 Domestic Security Oversight Council at which criminal  
68 investigative information or criminal intelligence information  
69 is discussed be held exempt from s. 286.011 and s. 24(b), Art. I  
70 of the State Constitution. The Legislature also finds that it is  
71 a public necessity that an audio or video recording of, and any  
72 minutes and notes generated during, a closed meeting or closed  
73 portion of a meeting of the Domestic Security Oversight Council  
74 be held exempt from s. 119.07(1) and s. 24(a), Art. I of the  
75 State Constitution until such time as the criminal investigative  
76 information or criminal intelligence information heard or  
77 discussed at such meeting ceases to be active. The council  
78 reviews information of a highly sensitive nature involving  
79 terrorism activity, counterterrorism methodologies, and  
80 planning, training, and operational activities of a coordinated  
81 intergovernmental prevention, protection, and response strategy  
82 that requires discussion of specific information related to  
83 these activities. Public discussion of these activities would  
84 result in the sharing of data, methods, and operational

85 techniques that could be used by persons intent on doing harm to  
86 the state to perpetrate a terrorist attack. Knowledge of this  
87 level of planning and operational information could result in  
88 the successful execution of an attack against the residents of  
89 this state or nation. This information is exempt from public  
90 disclosure pursuant to ss. 119.07(6) and 119.071, Florida  
91 Statutes, and if the meetings at which this exempt information  
92 is discussed were open to the public, the purpose of the  
93 exemptions would be defeated. The council must be able to hear  
94 and discuss this exempt information in full in order to make  
95 sound recommendations to the Governor and Legislature regarding  
96 strategies and activities to protect the welfare of the people  
97 of this state. The ability to fully understand and discuss the  
98 details of criminal investigative information and criminal  
99 intelligence information related to terrorist activities and  
100 counterterrorism measures being considered as part of an overall  
101 discussion of strategic planning and funding recommendations for  
102 the purchase of specialized equipment, training, or services is  
103 critical to the ability of the state to defend against terrorist  
104 attacks.

105 Section 3. This act shall take effect on the same date  
106 that HB 1715 or similar legislation takes effect, if such  
107 legislation is enacted in the same legislative session or an  
108 extension thereof and becomes law.