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HB 1801

2005 Legislature

A bill to be entitled

An act relating to public meetings and public records; creating s. 943.0314, F.S.; providing an exemption from public meetings requirements for meetings or portions of meetings of the Domestic Security Oversight Council at which the council hears or discusses active criminal investigative information or active criminal intelligence information; providing conditions precedent to the closing of such meeting or portion thereof; providing an exemption from public records requirements for an audio or video recording of a closed meeting of the council and any minutes and notes generated during the closed meeting until the criminal investigative information or criminal intelligence information heard or discussed therein ceases to be active; specifying those persons who are authorized to attend a closed meeting of the council; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

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

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

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

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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

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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

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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.