

1 311.23 Public-records and public-meetings exemptions;
2 governing boards of public seaport authorities.--

3 (1)(a) That portion of a meeting of the governing
4 board of a public seaport authority at which the board will
5 hear or discuss active criminal investigative information or
6 active criminal intelligence information as defined in s.
7 119.011 or security plan briefings from the Department of Law
8 Enforcement is exempt from s. 286.011 and s. 24(b), Art. I of
9 the State Constitution, if:

10 1. The chair of the board announces at a public
11 meeting that, in connection with the performance of the
12 board's duties, it is necessary that active criminal
13 investigative information or active criminal intelligence
14 information be discussed or the security briefing be
15 presented.

16 2. The chair declares the specific reasons that it is
17 necessary to close the meeting, or portion thereof, in a
18 document that is a public record and filed with the official
19 records of the board.

20 3. The entire closed meeting is recorded. The
21 recording must include the times of commencement and
22 termination of the closed meeting or portion thereof, all
23 discussion and proceedings, and the names of the persons
24 present. No portion of the closed meeting shall be off the
25 record. The recording shall be maintained by the board.

26 (b) An audio or video recording of, and any minutes
27 and notes generated during, a closed meeting of the board or
28 closed portion of a meeting of the board are exempt from s.
29 119.07(1) and s. 24(a), Art. I of the State Constitution until
30 such time as the criminal investigative information or
31 criminal intelligence information heard or discussed therein

1 ceases to be active or the security plan is no longer in
2 effect. Such audio or video recording and minutes and notes
3 shall be retained pursuant to the requirements of s. 119.021.

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

11 (3) This section is subject to the Open Government
12 Sunset Review Act in accordance with s. 119.15 and shall stand
13 repealed on October 2, 2012, unless reviewed and saved from
14 repeal through reenactment by the Legislature.

15 Section 2. The Legislature finds that it is a public
16 necessity that any meeting or portion of a meeting of the
17 governing board of a public seaport authority at which
18 criminal investigative information or criminal intelligence
19 information is discussed or a security briefing is given by
20 the Department of Law Enforcement be held exempt from s.
21 286.011 and s. 24(b), Art. I of the State Constitution. The
22 Legislature also finds that it is a public necessity that an
23 audio or video recording of, and any minutes and notes
24 generated during, a closed meeting or closed portion of a
25 meeting of the governing board of a public seaport authority
26 be held exempt from s. 119.07(1) and s. 24(a), Art. I of the
27 State Constitution until such time as the criminal
28 investigative information or criminal intelligence information
29 heard or discussed at such meeting ceases to be active or the
30 seaport security plan ceases to be effective. The board is to
31 be briefed on information of a highly sensitive nature

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

29 Section 3. This act shall take effect on the same date
30 that SB ____ or similar legislation takes effect, if such
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1 | legislation is enacted in the same legislative session or an
2 | extension thereof and becomes law.

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5 | SENATE SUMMARY

6 | Exempts meetings at which the governing board of a public
7 | seaport authority receives information relating to a
8 | criminal investigation or criminal intelligence or a
9 | briefing from the Department of Law Enforcement relating
10 | to security from public-records and public-meetings
11 | requirements. Provides for future review and reenactment
12 | of the exemption.

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