

By Senator Storms

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1 A bill to be entitled
2 An act relating to public meetings and public records;
3 creating s. 311.23, F.S.; providing an exemption from
4 public-meetings requirements for meetings or portions of
5 meetings of the governing board of a public seaport
6 authority at which the board hears or discusses active
7 criminal investigative information or active criminal
8 intelligence information or receives a security briefing
9 from the Department of Law Enforcement; providing
10 conditions precedent to the closing of such meeting or
11 portion thereof; providing an exemption from
12 public-records requirements for an audio or video
13 recording of a closed meeting of the board and any minutes
14 and notes generated during the closed meeting until the
15 criminal investigative information or criminal
16 intelligence information heard or discussed therein ceases
17 to be active or the security plan is no longer in effect;
18 specifying those persons who are authorized to attend a
19 closed meeting of the board; providing for review and
20 repeal under the Open Government Sunset Review Act;
21 providing a statement of public necessity; providing a
22 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 311.23, Florida Statutes, is created to
27 read:

28 311.23 Public-records and public-meetings exemptions;
29 governing boards of public seaport authorities.--

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30 (1) (a) That portion of a meeting of the governing board of
31 a public seaport authority at which the board will hear or
32 discuss active criminal investigative information or active
33 criminal intelligence information as defined in s. 119.011 or
34 security plan briefings from the Department of Law Enforcement is
35 exempt from s. 286.011 and s. 24(b), Art. I of the State
36 Constitution, if:

37 1. The chair of the board announces at a public meeting
38 that, in connection with the performance of the board's duties,
39 it is necessary that active criminal investigative information or
40 active criminal intelligence information be discussed or the
41 security briefing be presented.

42 2. The chair declares the specific reasons that it is
43 necessary to close the meeting, or portion thereof, in a document
44 that is a public record and filed with the official records of
45 the board.

46 3. The entire closed meeting is recorded. The recording
47 must include the times of commencement and termination of the
48 closed meeting or portion thereof, all discussion and
49 proceedings, and the names of the persons present. No portion of
50 the closed meeting shall be off the record. The recording shall
51 be maintained by the board.

52 (b) An audio or video recording of, and any minutes and
53 notes generated during, a closed meeting of the board or closed
54 portion of a meeting of the board are exempt from s. 119.07(1)
55 and s. 24(a), Art. I of the State Constitution until such time as
56 the criminal investigative information or criminal intelligence
57 information heard or discussed therein ceases to be active or the
58 security plan is no longer in effect. Such audio or video

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59 recording and minutes and notes shall be retained pursuant to the
60 requirements of s. 119.021.

61 (2) Only members of the board, staff supporting the board's
62 functions, and other persons whose presence has been authorized
63 by the chair of the board shall be allowed to attend the exempted
64 portions of board meetings. The board shall ensure that any
65 closure of its meetings as authorized by this section is limited
66 so that the policy of this state in favor of public meetings is
67 maintained.

68 (3) This section is subject to the Open Government Sunset
69 Review Act in accordance with s. 119.15 and shall stand repealed
70 on October 2, 2013, unless reviewed and saved from repeal through
71 reenactment by the Legislature.

72 Section 2. The Legislature finds that it is a public
73 necessity that any meeting or portion of a meeting of the
74 governing board of a public seaport authority at which criminal
75 investigative information or criminal intelligence information is
76 discussed or a security briefing is given by the Department of
77 Law Enforcement be held exempt from s. 286.011 and s. 24(b), Art.
78 I of the State Constitution. The Legislature also finds that it
79 is a public necessity that an audio or video recording of, and
80 any minutes and notes generated during, a closed meeting or
81 closed portion of a meeting of the governing board of a public
82 seaport authority be held exempt from s. 119.07(1) and s. 24(a),
83 Art. I of the State Constitution until such time as the criminal
84 investigative information or criminal intelligence information
85 heard or discussed at such meeting ceases to be active or the
86 seaport security plan ceases to be effective. The board is to be
87 briefed on information of a highly sensitive nature involving

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88 terrorism activity, counterterrorism methodologies, and planning,
89 training, and operational activities of a coordinated
90 intergovernmental prevention, protection, and response strategy
91 that requires discussion of specific information related to these
92 activities. Public discussion of these activities would result in
93 the sharing of data, methods, and operational techniques that
94 could be used by persons intent on doing harm to the state to
95 perpetrate a terrorist attack. Knowledge of this level of
96 planning and operational information could result in the
97 successful execution of an attack against the residents of this
98 state or nation. This information is exempt from public
99 disclosure pursuant to ss. 119.07(6) and 119.071, Florida
100 Statutes, and if the meetings at which this exempt information is
101 discussed were open to the public, the purpose of the exemptions
102 would be defeated. The board must be able to hear and discuss
103 this exempt information in full in order to make sound fiduciary
104 decisions based on risks, threats, and vulnerabilities to the
105 critical infrastructure owned and operated by the seaport
106 authority to protect the welfare of the people of this state. The
107 ability to fully understand and discuss the details of criminal
108 investigative information and criminal intelligence information
109 related to terrorist activities and counterterrorism measures
110 being considered as part of an overall discussion of strategic
111 planning and funding recommendations for the purchase of
112 specialized equipment, training, or services is critical to the
113 ability of the board to defend against terrorist attacks.

114 Section 3. This act shall take effect on the same date that
115 SB ____ or similar legislation takes effect, if such legislation
116 is enacted in the same legislative session or an extension

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117 | thereof and becomes law.