

1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 providing an exemption from public records
 4 requirements for a record resulting from a
 5 communication between specified members of a duly
 6 constituted criminal justice commission pertaining to
 7 a matter that is currently being considered by, or
 8 that may foreseeably come before, the commission;
 9 providing an exemption from public meeting
 10 requirements for that portion of a meeting of a duly
 11 constituted criminal justice commission at which
 12 specified members of the commission discuss a matter
 13 currently being considered by, or which may
 14 foreseeably come before, the commission; providing a
 15 condition for the public meeting exemption; providing
 16 for future review and repeal of the exemptions;
 17 providing a statement of public necessity; providing
 18 an 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. Criminal justice commissions; public records
 23 exemption; public meetings exemption.-

24 (1) A record resulting from a communication between a
 25 state attorney, a sheriff, a public defender, a clerk of court,
 26 a chief judge of a circuit court, or a president of a police
 27 chiefs association pertaining to a matter that is currently
 28 being considered by, or that may foreseeably come before, a duly

29 constituted criminal justice commission of which the state
30 attorney, sheriff, public defender, clerk of court, chief judge
31 of a circuit court, or president of a police chiefs association
32 is a member is exempt from s. 119.07(1), Florida Statutes, and
33 s. 24(a), Art. I of the State Constitution. This subsection is
34 subject to the Open Government Sunset Review Act in accordance
35 with s. 119.15, Florida Statutes, and shall stand repealed on
36 October 2, 2018, unless reviewed and saved from repeal through
37 reenactment by the Legislature.

38 (2) That portion of a meeting of a duly constituted
39 criminal justice commission at which a state attorney, a
40 sheriff, a public defender, a clerk of court, a chief judge of a
41 circuit court, or a president of a police chiefs association who
42 are members of the commission discuss a matter that is currently
43 being considered by, or that may foreseeably come before, the
44 criminal justice commission is exempt from s. 286.011, Florida
45 Statutes, and s. 24(b), Art. I of the State Constitution,
46 provided that at any public meeting of the criminal justice
47 commission at which such matter is being considered, the state
48 attorney, sheriff, public defender, clerk of court, chief judge
49 of the circuit court, or president of the police chiefs
50 association publicly discloses the fact that the matter has been
51 discussed. This subsection is subject to the Open Government
52 Sunset Review Act in accordance with s. 119.15, Florida
53 Statutes, and shall stand repealed on October 2, 2018, unless
54 reviewed and saved from repeal through reenactment by the
55 Legislature.

56 Section 2. (1) It is the finding of the Legislature that

57 it is a public necessity that a record resulting from a
58 communication between a state attorney, a sheriff, a public
59 defender, a clerk of court, a chief judge of a circuit court, or
60 a president of a police chiefs association pertaining to a
61 matter that is currently being considered by, or that may
62 foreseeably come before, a duly constituted criminal justice
63 commission of which the state attorney, sheriff, public
64 defender, clerk of court, chief judge of a circuit court, or
65 president of a police chiefs association is a member be made
66 exempt from public record requirements. In an effort to
67 cultivate and enrich local, regional, and statewide criminal
68 justice practice, policy, and program development, criminal
69 justice commissions bring together criminal justice agencies and
70 other related agencies in partnerships. Because effective crime
71 prevention is best addressed through cooperative efforts that
72 involve both the public and private sectors, examining issues
73 that are not directed by any single criminal justice agency is
74 of fundamental importance to the successful functioning of a
75 criminal justice commission. In studying all aspects of federal,
76 state, county, municipal, and private criminal justice and crime
77 prevention systems in an attempt to provide guidance and
78 assistance in the overall coordination of law enforcement and
79 crime prevention efforts, a criminal justice commission draws on
80 local, regional, state, and federal sources. A criminal justice
81 commission by nature involves the discussion and examination of
82 criminal investigative information that is generally of a
83 sensitive nature. State attorneys, sheriffs, public defenders,
84 clerks of court, judges, and representatives of police chiefs

85 associations need to be able to discuss such information freely.
86 The discussion of existing operational activities of coordinated
87 intergovernmental prevention, protection, and response
88 strategies aimed at combatting criminal enterprise, and the
89 development of future response strategies, requires discussion
90 of specific information related to the criminal activities being
91 addressed by the commission. Public discussion of these matters
92 would result in the sharing of data, methods, and operational
93 techniques that need to be exempt from public disclosure in
94 order to preserve their effectiveness.

95 (2) It is the finding of the Legislature that it is a
96 public necessity that the portion of a meeting of a duly
97 constituted criminal justice commission at which a state
98 attorney, a sheriff, a public defender, a clerk of court, a
99 chief judge of a circuit court, or a president of a police
100 chiefs association who are members of the commission discuss a
101 matter currently being considered by, or which may foreseeably
102 come before, the criminal justice commission be made exempt from
103 public meeting requirements. If the meetings at which exempt
104 information is discussed were open to the public, the purpose of
105 the exemption from public records requirements would be
106 defeated. The members of a criminal justice commission must be
107 able to hear and discuss exempt information freely in order to
108 make sound recommendations regarding strategies and activities
109 that are best suited to protect the welfare of the people of
110 this state. The ability to conduct meetings at which members can
111 freely discuss and fully understand the details of criminal
112 investigative information is critical to the ability of a

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113 | criminal justice commission to operate effectively.

114 | Section 3. This act shall take effect July 1, 2013.