

ENROLLED
CS/HB 361

2013 Legislature

1
2 An act relating to public meetings; providing
3 definitions; providing an exemption from public
4 meeting requirements for that portion of a meeting of
5 a duly constituted criminal justice commission at
6 which members of the commission discuss active
7 criminal intelligence information or active criminal
8 investigative information currently being considered
9 by, or which may foreseeably come before, the
10 commission; providing for future review and repeal of
11 the exemption under the Open Government Sunset Review
12 Act; providing a statement of public necessity;
13 providing an effective date.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

17 Section 1. Criminal justice commissions; public meetings
18 exemption.—

19 (1) As used in this section, the term:

20 (a) "Duly constituted criminal justice commission" means
21 an advisory commission created by municipal or county ordinance
22 whose membership is comprised of individuals from the private
23 sector and the public sector and whose purpose is to examine
24 local criminal justice issues.

25 (b) "Active" has the same meaning as provided in s.
26 119.011, Florida Statutes.

27 (c) "Criminal intelligence information" has the same
28 meaning as provided in s. 119.011, Florida Statutes.

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29 (d) "Criminal investigative information" has the same
30 meaning as provided in s. 119.011, Florida Statutes.

31 (2) That portion of a meeting of a duly constituted
32 criminal justice commission at which members of the commission
33 discuss active criminal intelligence information or active
34 criminal investigative information that is currently being
35 considered by, or which may foreseeably come before, the
36 commission is exempt from s. 286.011, Florida Statutes, and s.
37 24(b), Art. I of the State Constitution, provided that at any
38 public meeting of the criminal justice commission at which such
39 matter is being considered, the commission members publicly
40 disclose the fact that the matter has been discussed.

41 (3) This section is subject to the Open Government Sunset
42 Review Act in accordance with s. 119.15, Florida Statutes, and
43 shall stand repealed on October 2, 2018, unless reviewed and
44 saved from repeal through reenactment by the Legislature.

45 Section 2. It is the finding of the Legislature that it is
46 a public necessity that the portion of a meeting of a duly
47 constituted criminal justice commission at which members of the
48 commission discuss active criminal intelligence information or
49 active criminal investigative information currently being
50 considered by, or which may foreseeably come before, the
51 criminal justice commission be made exempt from public meeting
52 requirements. If the meetings at which exempt information is
53 discussed were open to the public, the purpose of the exemption
54 from public records requirements found in chapter 119, Florida
55 Statutes, would be defeated. The members of a criminal justice
56 commission must be able to hear and discuss exempt information

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57 freely in order to make sound recommendations regarding
58 strategies and activities that are best suited to protect the
59 welfare of the people of this state. The ability to conduct
60 meetings at which members can freely discuss and fully
61 understand the details of active criminal intelligence
62 information and active criminal investigative information is
63 critical to the ability of a criminal justice commission to
64 operate effectively.

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