

1986

Session Law 86-011

Florida Senate & House of Representatives

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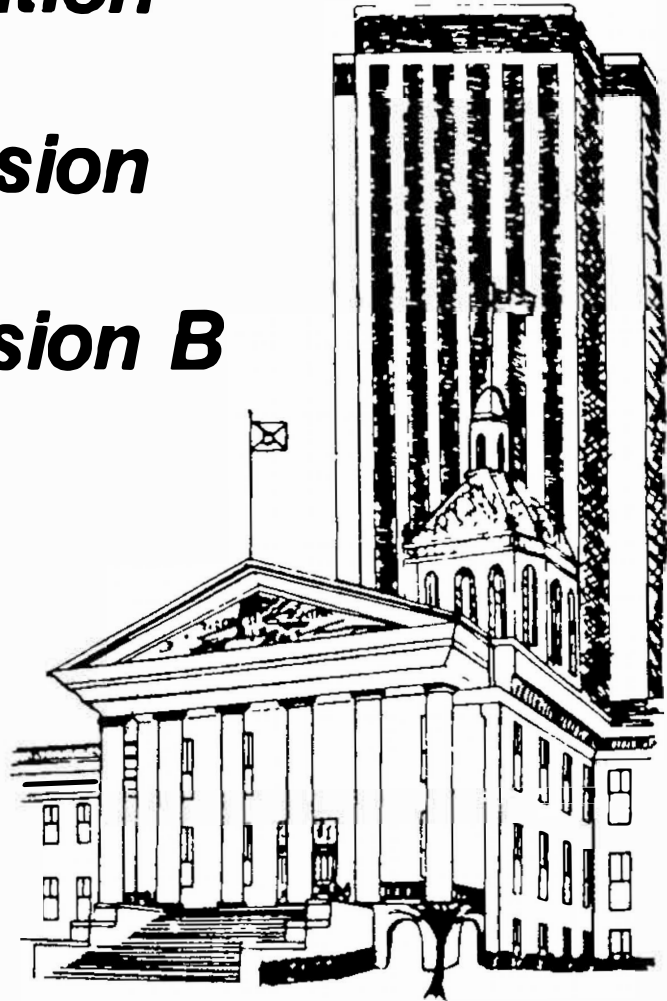
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FLORIDA LEGISLATURE

History of Legislation

1986 Regular Session

1986 Special Session B



prepared by:

Joint Legislative Management Committee

Legislative Information Division

Capitol Building, Room 826 – 488-4371

HISTORY OF SENATE BILLS

S 54 (CONTINUED)

- 05/27/86 SENATE CS read first time -SJ 402, Now in Rules and Calendar -SJ 401
- 05/30/86 SENATE Extension of time granted Committee Rules and Calendar
- 06/03/86 SENATE On Committee agenda—Rules and Calendar, 06/03/86, Upon adjournment, Room-1C -SJ 602, Comm Report CS/CS/CS by Rules and Calendar, placed on Calendar -SJ 619
- 06/04/86 SENATE CS read first time -SJ 619
- 06/06/86 SENATE Placed on Special Order Calendar -SJ 796, Iden./Sim House Bill substituted, Laid on table under Rule, Iden./Sim /Compare Bill passed, refer to HJR 1305 (Filed with Secretary of State) -SJ 804

S 55 GENERAL BILL/ENG by Governmental Operations (Similar H 266, Compare ENG/S 449)

- Open Government Sunset Review, specifies information, re direct-support organizations of Sunshine State Games, which is exempt from public records law, provides for review of exemptions, etc. Amends 14 22. Effective Date 10/01/86.
- 11/18/85 SENATE Prefiled
- 12/03/85 SENATE Referred to Governmental Operations
- 01/17/86 SENATE On Committee agenda—Governmental Operations, 02/04/86, 2 00 pm, Room-H—Cancelled
- 02/17/86 SENATE On Committee agenda—Governmental Operations, 03/04/86, 2 00 pm, Room-H
- 03/04/86 SENATE Comm Report: Favorable with 1 amendment(s) by Governmental Operations, placed on Calendar
- 04/08/86 SENATE Introduced, referred to Governmental Operations -SJ 11, Comm Report. Favorable with 1 amendment(s) by Governmental Operations, placed on Calendar -SJ 48
- 04/15/86 SENATE Placed on Special Order Calendar -SJ 86, Passed as amended, YEAS 39 NAYS 0 -SJ 98
- 04/22/86 HOUSE In Messages
- 04/28/86 HOUSE Received, referred to Governmental Operations -HJ 190
- 06/07/86 HOUSE Died in Committee on Governmental Operations, Iden / Sim /Compare bill passed, refer to SB 449 (Ch 86-139)

S 56 GENERAL BILL/CS by Governmental Operations; Governmental Operations (Similar H 1188)

- Law Enforcement/Public Records Law, (OPEN GOVERNMENT SUNSET REVIEW) repeals provision re limitation of access to certain records re law enforcement, specifies information compiled by criminal justice agencies which is exempt from public records law, specifies persons who may have access to exempt information, provides for review of exemptions, etc Amends 119.07, repeals 23 129 Effective Date 10/01/86
- 11/18/85 SENATE Prefiled
- 12/03/85 SENATE Referred to Governmental Operations
- 01/17/86 SENATE On Committee agenda—Governmental Operations, 02/04/86, 2 00 pm, Room-H—Cancelled
- 02/17/86 SENATE On Committee agenda—Governmental Operations, 03/04/86, 2 00 pm, Room-H
- 03/04/86 SENATE Comm Report: CS by Governmental Operations, placed on Calendar
- 04/08/86 SENATE Introduced, referred to Governmental Operations -SJ 11, Comm Report CS by Governmental Operations, placed on Calendar -SJ 48, CS read first time -SJ 46
- 04/15/86 SENATE Placed on Special Order Calendar -SJ 86, CS passed, YEAS 36 NAYS 0 -SJ 98
- 04/22/86 HOUSE In Messages
- 04/28/86 HOUSE Received, placed on Calendar -HJ 190
- 05/01/86 HOUSE Placed on Special Order Calendar, Substituted for HB 1188, Read second time -HJ 233
- 05/05/86 HOUSE Read third time; CS passed, YEAS 118 NAYS 0 -HJ 252
- 05/06/86 HOUSE Ordered enrolled -SJ 204
- 05/09/86 HOUSE Signed by Officers and presented to Governor -SJ 266
- 05/15/86 HOUSE Approved by Governor, Chapter No 86-11 -SJ 283

S 57 GENERAL BILL/CS by Finance, Taxation and Claims; Weinstein and others (Similar H 66)

- Law Enf Officer/Killed Line of Duty, provides payment of certain premiums for state group health insurance re surviving spouse & certain children of law enf. or correctional officers killed in line of duty, provides additional death benefit re certain law enf officers, etc Amends 110 123, 112.19 Effective Date 07/01/86
- 11/19/85 SENATE Prefiled
- 12/04/85 SENATE Referred to Personnel, Retirement and Collective Bargaining; Finance, Taxation and Claims
- 12/17/85 SENATE On Committee agenda—Personnel, Retirement and Collective Bargaining, 01/07/86, 2 00 pm., Room-C
- 01/07/86 SENATE Comm Report Favorable with 2 amendment(s) by Personnel, Retirement and Collective Bargaining, Now in Finance, Taxation and Claims
- 01/21/86 SENATE On Committee agenda—Finance, Taxation and Claims, 02/05/86, 1 30 pm, Room-1C—Temporarily postponed
- 02/18/86 SENATE On Committee agenda—Finance, Taxation and Claims, 03/05/86, 1 30 pm, Room-1C
- 03/05/86 SENATE Comm Report CS by Finance, Taxation and Claims, placed on Calendar

S 57 (CONTINUED)

- 04/08/86 SENATE Introduced, referred to Personnel, Retirement and Collective Bargaining, Finance, Taxation and Claims -SJ 11, Comm Report Favorable with 2 amendment(s) by Personnel, Retirement and Collective Bargaining, Now in Finance, Taxation and Claims -SJ 48, Comm Report CS by Finance, Taxation and Claims, placed on Calendar -SJ 48, CS read first time -SJ 47
- 04/15/86 SENATE Placed on Special Order Calendar -SJ 86, CS passed, YEAS 35 NAYS 0 -SJ 98
- 04/22/86 HOUSE In Messages
- 04/28/86 HOUSE Received, referred to Appropriations -HJ 190
- 05/05/86 HOUSE Subreferred to Subcommittee on State Employee Benefits, On subcommittee agenda—Appropriations, 05/07/86, 8 00 am, 214C
- 05/07/86 HOUSE Subcommittee Recommendation pending ratification by full Committee Favorable
- 06/03/86 HOUSE Withdrawn from Appropriations -HJ 788, Placed on Calendar
- 06/04/86 HOUSE Placed on Special Order Calendar
- 06/07/86 HOUSE Died on Calendar

S 58 GENERAL BILL/CS/ENG by Commerce; D. Childers and others (Similar H 454)

- Credit Card/Surcharge, prohibits seller or lessor from imposing a surcharge for use of credit card in certain transactions, provides definitions, specifies exceptions, provides that violator is subject to liquidated damages, specifies who may seek such damages, provides for costs & attorneys' fees Effective Date 10/01/86
- 11/19/85 SENATE Prefiled
- 12/04/85 SENATE Referred to Commerce
- 04/08/86 SENATE Introduced, referred to Commerce -SJ 11, On Committee agenda—Commerce, 04/08/86, 3 00 pm, Room-A—Temporarily postponed
- 04/10/86 SENATE On Committee agenda—Commerce, 04/14/86, 2 00 pm, Room-A
- 04/14/86 SENATE Comm Report CS by Commerce, placed on Calendar -SJ 103
- 04/17/86 SENATE CS read first time -SJ 118
- 05/01/86 SENATE Placed on Special Order Calendar -SJ 178
- 05/06/86 SENATE Placed on Special Order Calendar -SJ 194
- 05/08/86 SENATE Placed on Special Order Calendar -SJ 216, CS passed as amended; YEAS 37 NAYS 0 -SJ 235
- 05/13/86 HOUSE In Messages
- 05/19/86 HOUSE Received, referred to Commerce, Appropriations -HJ 420
- 06/05/86 HOUSE Motion to withdraw from committee failed -HJ 943
- 06/07/86 HOUSE Died in Committee on Commerce

S 59 GENERAL BILL/CS/ENG by Education; Myers (Similar CS/H 82, Compare CS/ENG/H 162, CS/H 899, CS/ENG/S 726)

- Nonpublic Colleges, provides for exemptions from licensing requirements for such colleges chartered in Florida, defines college agent, revises membership of Independent Colleges & Universities State Board, describes conditions under which nonpublic college may be established or operate within state, provides standards for expansion of programs & degrees, provides for denial or revocation of licenses & probation of licensees Amends Ch 246 Effective Date 07/01/86
- 11/19/85 SENATE Prefiled
- 12/04/85 SENATE Referred to Education
- 04/08/86 SENATE Introduced, referred to Education -SJ 11
- 04/21/86 SENATE Extension of time granted Committee Education
- 04/29/86 SENATE On Committee agenda—Education, 05/01/86, 1 00 pm, Room-A
- 05/01/86 SENATE Comm. Report CS by Education, placed on Calendar -SJ 195
- 05/06/86 SENATE CS read first time -SJ 197
- 05/20/86 SENATE Placed on Special Order Calendar -SJ 324, CS passed as amended, YEAS 37 NAYS 0 -SJ 332
- 05/21/86 HOUSE In Messages
- 05/27/86 HOUSE Received, referred to Appropriations -HJ 530
- 06/05/86 HOUSE Withdrawn from Appropriations -HJ 959, Placed on Calendar
- 06/06/86 HOUSE Placed on Special Order Calendar
- 06/07/86 HOUSE Died on Calendar, Iden /Sim /Compare Bill passed, refer to CS/SB 726 (Ch 86-145)

S 60 GENERAL BILL/CS/ENG by Commerce; Myers and others (Compare CS/H 19, CS/H 124, CS/ENG/H 465, H 1025, CS/S 42, CS/ENG/S 586, CS/CS/ENG/S 607, ENG/S 784)

- Electric Utilities & School Buses, includes political subdivisions in term "utility" re provisions prohibiting trespass & larceny re utility or cable TV fixtures, provides that PSC shall have exclusive authority to prescribe & enforce safety standards for transmission & distribution facilities of certain utilities & cooperatives, requires school buses to meet applicable Federal Motor Vehicle Safety Standards, authorizes school bus driver training programs, etc Amends F.S Appropriation \$589,271 Effective Date 07/01/86
- 11/19/85 SENATE Prefiled
- 12/04/85 SENATE Referred to Commerce

HISTORY OF HOUSE BILLS

H 1183 (CONTINUED)

05/27/86 SENATE Comm Report. Favorable with 2 amendment(s) by Education -SJ 400
 05/28/86 SENATE Now in Appropriations -SJ 400
 05/29/86 SENATE Withdrawn from Appropriations, Substituted for SB 735 -SJ 480, Passed as amended, YEAS 37 NAYS 0 -SJ 485
 05/30/86 HOUSE In Messages
 06/02/86 HOUSE Concurred in amendments totaling 6 -HJ 692, Refused to concur in amendments totaling 2, Requested Senate to recede, Amendments adopted, Passed as further amended, YEAS 111 NAYS 0 -HJ 694
 06/02/86 SENATE In Messages
 06/06/86 SENATE Receded from amendments totaling 2, Amendments to House amendments adopted, Concurred in House amendments as amended, Requested House to concur, Passed as amended, YEAS 34 NAYS 0 -SJ 00811 -SJ 817
 06/06/86 HOUSE In Messages, Concurred, Passed as further amended; YEAS 110 NAYS 0 -HJ 1375
 06/06/86 Ordered engrossed, then enrolled
 06/18/86 Signed by Officers and presented to Governor
 06/25/86 Approved by Governor; Chapter No 86-156

H 1184 RESOLUTION by R.C. Johnson; Mitchell; Thompson; Lawson and others

Tapper George G., commends George G. Tapper for his generous & effective service to Gulf Coast Community College, the State Community College System, & the State of Florida.
 04/11/86 HOUSE Filed, Introduced, referred to Higher Education -HJ 113
 04/21/86 HOUSE Withdrawn from Higher Education -HJ 164; Placed on Calendar, Read second time, Adopted. -HJ 165

H 1185 RESOLUTION by Carlton

International Business Day, declares April 16, 1986, as "International Business Day"
 04/11/86 HOUSE Filed, Introduced, referred to Tourism & Economic Development -HJ 113
 04/14/86 HOUSE Withdrawn from Tourism & Economic Development -HJ 119, Placed on Calendar
 04/15/86 HOUSE Read second time, Adopted. -HJ 135

H 1186 LOCAL BILL/ENG by Peoples

East County Water Control District, (Lee & Hendry Counties) increases membership of board of supervisors & provides for election of board by electors of district, establishes subdistrict for that part of district in Hendry County; provides for elections of subdistrict supervisors by acreage voting, provides subdistrict budget, tax levy & payment of debts. Effective Date Contingent except a. 5 takes effect 07/13/86
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 125
 04/15/86 HOUSE Referred to Community Affairs -HJ 136
 04/28/86 HOUSE On Committee agenda—Community Affairs, 04/30/86, 3:30 pm, 314 HOB—Temporarily passed
 05/27/86 HOUSE Withdrawn from Community Affairs -HJ 532, Placed on Calendar
 05/30/86 HOUSE Placed on Local Calendar, Read second time; Amendments adopted, Read third time, Passed as amended, YEAS 116 NAYS 0 -HJ 619
 05/30/86 SENATE In Messages
 06/03/86 SENATE Received, referred to Economic, Community and Consumer Affairs, Rules and Calendar -SJ 567
 06/06/86 SENATE Withdrawn from Economic, Community and Consumer Affairs -SJ 831, Now in Rules and Calendar; Considered by Rules and Calendar, placed on Local Calendar -SJ 769; Passed, YEAS 28 NAYS 1 -SJ 833
 06/06/86 Ordered enrolled
 06/27/86 Signed by Officers and presented to Governor
 07/13/86 Became Law without Governor's Signature, Chapter No 86-460

H 1187 GENERAL BILL/ENG by Governmental Operations; Hanson and others

State Agency Publications; provides that provisions re such publications shall include items however acquired; specifies what preparation costs are to be considered in determining cost of publication, provides for penalty for noncompliance with specified sections, provides that Governor's Office shall promulgate as a rule procedures for abstracts & fee schedule for obtaining reports, etc Amends 283 30, 315, 286 001, creates 283 317, repeals 27 251(2) Effective Date Upon becoming law
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 125
 04/15/86 HOUSE Referred to Appropriations -HJ 136
 05/05/86 HOUSE Withdrawn from Appropriations -HJ 255, Placed on Calendar
 05/09/86 HOUSE Placed on Special Order Calendar
 05/12/86 HOUSE Read second time, Amendments adopted -HJ 331
 05/13/86 HOUSE Read third time, Passed as amended, YEAS 114 NAYS 0 -HJ 360, Immediately certified
 05/13/86 SENATE In Messages

H 1187 (CONTINUED)

05/19/86 SENATE Received, referred to Governmental Operations -SJ 322
 05/22/86 SENATE On Committee agenda—Governmental Operations, 05/26/86, 2:00 pm, Room-H
 05/26/86 SENATE Comm Report. Favorable with 1 amendment(s) by Governmental Operations, placed on Calendar -SJ 401
 05/28/86 SENATE Withdrawn from Calendar, rereferred to Appropriations -SJ 468
 06/03/86 SENATE Extension of time granted Committee Appropriations
 06/07/86 SENATE Died in Committee on Appropriations

H 1188 GENERAL BILL by Governmental Operations; Kelly (Similar ENG/S 56)

Open Government Sunset Review, repeals provision re limitation of access to certain records, specifies information compiled by criminal justice agencies which is exempt from public records law; specifies persons who may have access to exempt information, provides for review of exemptions pursuant to Open Government Sunset Review Act Repeals 23 129, amends 119 07 Effective Date 10/01/86
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 125
 04/15/86 HOUSE Referred to Appropriations -HJ 136
 04/21/86 HOUSE Withdrawn from Appropriations -HJ 166, Placed on Calendar
 05/01/86 HOUSE Placed on Special Order Calendar, Iden /Sim. Senate Bill substituted, Laid on table under Rule, Iden /Sim / Compare Bill passed, refer to CS/SB 56 (Ch. 86-11) -HJ 233

H 1189 GENERAL BILL by Governmental Operations; Kelly (Similar ENG/S 605)

Open Government Sunset Review, revises exemptions from public records & meetings requirements for certain information obtained by & matters before the Statewide Human Rights Advocacy Committee & district committees; saves such exemptions from repeal, provides for future review & repeal pursuant to Open Government Review Act Amends 20 19 Effective Date 10/01/86
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 125
 04/15/86 HOUSE Referred to Appropriations -HJ 136
 04/21/86 HOUSE Withdrawn from Appropriations -HJ 166, Placed on Calendar
 05/05/86 HOUSE Placed on Special Order Calendar
 05/06/86 HOUSE Read second time -HJ 265
 05/07/86 HOUSE Read third time, Passed, YEAS 118 NAYS 0 -HJ 278
 05/08/86 HOUSE Immediately certified -HJ 287
 05/08/86 SENATE In Messages
 05/19/86 SENATE Received, referred to Governmental Operations -SJ 319
 06/03/86 SENATE Extension of time granted Committee Governmental Operations
 06/07/86 SENATE Died in Committee on Governmental Operations, Iden./ Sim /Compare bill passed, refer to SB 605 (Ch 86-66)

H 1190 GENERAL BILL/ENG by Governmental Operations; Kelly (Similar ENG/S 598)

State Attorneys (OPEN GOVERNMENT SUNSET REVIEW) amends provision which allows an exemption from public records requirements for executive orders assigning state attorneys to other circuits & for reports to Legislature thereon; saves such exemption from repeal, provides criteria for confidentiality; provides confidentiality procedures & specifies when an order may be disclosed, provides for future review & repeal, Amends 27 151 Effective Date: 10/01/86
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 126
 04/15/86 HOUSE Placed on Calendar -HJ 136
 04/21/86 HOUSE Placed on Special Order Calendar
 04/22/86 HOUSE Read second time -HJ 175
 04/28/86 HOUSE Read third time, Pending roll call -HJ 194
 05/01/86 HOUSE Amendment adopted, Passed as amended, YEAS 116 NAYS 0 -HJ 225
 05/05/86 SENATE In Messages
 05/08/86 SENATE Received, referred to Governmental Operations -SJ 223
 05/21/86 SENATE Extension of time granted Committee Governmental Operations
 06/03/86 SENATE Extension of time granted Committee Governmental Operations
 06/07/86 SENATE Died in Committee on Governmental Operations, Iden / Sim./Compare bill passed, refer to SB 596 (Ch 86-76)

H 1191 GENERAL BILL by Governmental Operations; Kelly (Similar S 595)

Open Government Sunset Review; exempts from public records requirements fingerprints & photographs of juveniles taken into custody upon probable cause of violation of law; saves such exemption from repeal, provides for future review & repeal pursuant to Open Government Sunset Review Act. Amends 39 031 Effective Date 10/01/86
 04/11/86 HOUSE Filed
 04/14/86 HOUSE Introduced, Not referred -HJ 126
 04/15/86 HOUSE Placed on Calendar -HJ 136
 04/21/86 HOUSE Placed on Special Order Calendar

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OPEN GOVERNMENT SUNSET REVIEW ACT

FLORIDA MUTUAL AID PLAN

SECTION 23.129, FLORIDA STATUTES



REVISED REPORT

By Staff of
The Florida House of Representatives

Committee on Governmental Operations

Everett Kelly, Chairman

February - 1986

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Motor Vehicles Letter 11/4/85Page F-1

IV. CONCLUSIONS

The enactment of specific exemptions for the Florida Mutual Aid Plan and the inventory of all state and local law enforcement resources subsequent to the enactment of the statutory responsibility to compile the two documents is clear indication of legislative intent to exclude the documents from the public records law. However, no rationale was given for the exemption in the bill that created them.

The Florida Mutual Aid Plan and the inventory document of all state and local law enforcement resources under the control of the Bureau of Mutual Aid, are currently exempt from the public records. However, until recently, the Florida Mutual Aid Plan was improperly titled "The Florida Civil Disturbance Plan" and, therefore, did not conform with the exemption set forth in section 23.129, Florida Statutes.

The documents do, however, comport with the legislative directive found in chapter 23, Florida Statutes, which generally require a plan to insure adequate preparation for riot and civil disturbances, coordination of law enforcement planning and operation, coordination and dispatch of law enforcement personnel and equipment, and a procedure to inventory law enforcement resources.

The Bureau of Mutual Aid, Division of Local Law Enforcement Assistance, Florida Department of Law Enforcement believes it is essential to their operation of the plan and the

welfare of the citizens of Florida that the plan and resources continue to be excluded from the Public Records Act.

As grounds, therefore, they assert "that copies of these documents would be valuable to criminal elements, terrorist, extremist organizations, and alien foreign governments in assessing the strengths and vulnerabilities of the law enforcement community in Florida... Such strategic intelligence would afford those individuals and/or organizations necessary information to conduct criminal acts on a broader scope than would perhaps be available without such knowledge."

Additionally, the Department of Military Affairs is of the opinion that the "plan has confidential information in it as to contingency plans for dealing with riots, civil disturbance, natural disasters and other major law enforcement problems in the state of Florida".

These assertions appear to meet the standards set forth in section 119.14(4)(b)1, Florida Statutes, which qualify public records for an exemption.

On the other hand, the Bureau of Mutual Aid said that the plan itself includes general policy and procedure. It said the plan does not include response times, mobilization plans, road blocks, etc. The bureau identified only manpower and resource information contained in the Florida Mutual Aid Plan as being specific items that they believed legitimately required exemption.

However, they contend that all state and local law enforcement operational plans, whether appended to their plan or incorporated by reference, are also exempt by virtue of the fact that they are appended or referenced. These plans do have specific response times, mobilization plans, road blocks, etc. They could be valuable to the criminal element and the release of these documents could significantly impair the effective and efficient law enforcement administration.

The Division of Emergency Management, Department of Community Affairs believes that their document entitled The Florida Civil Disturbance Plan does not contain sensitive material and this document, or any revision thereof, would be available for inspection under the Public Records Act. However, they believe the Florida Mutual Aid Plan and resource inventory maintained by DLE should be afforded an exemption for sensitive information necessary to a detailed Standard Operating Procedure.

Although secreting riot, civil disturbance, and other contingency plans from the criminal element appears meritorious, by the Bureau of Mutual Aid's own admission, the Mutual Aid Plan, formerly called the Florida Civil Disturbance Plan, contains no sensitive information except personnel and resource information. The plan does not contain response times, mobilization plans, etc. Therefore, absent personnel and resource information abstracted from the resource document which is also exempt, there appears to be nothing in the plan that meets the criteria established by law. However, as previously stated, the

individual state and local law enforcement operational plans do include this information. It is satisfactorily argued that this information should be secreted from the criminal element. These plans do meet the criteria established by law.

Although these plans are referenced or appended to the Florida Mutual Aid Plan, they are not specifically exempt from the public records law. As indicated in the Introduction to this report, "Records are exempt from public disclosure pursuant to chapter 119, Florida Statutes, only if it is provided by statute that the public records are confidential or the public records are expressly exempted from disclosure by general or special law." Wait (emphasis added)

We, therefore, conclude that presently these individual state and local law enforcement operational plans are not exempt from the Public Records Act.

Because neither the Florida Mutual Aid Plan nor the inventory include residence addresses, or listings of law enforcement personnel by expertise, insufficient evidence has been supplied to support compliance with the standards established in section 119.14(4)(b)2., Florida Statutes. As previously indicated, there are some law enforcement personnel telephone numbers listed in the documents, but this information would already be exempt under section 119.07(3)(k), Florida Statutes.

No evidence has been given to support compliance with the standards established in section 119.14(4)(b)3., Florida Statutes, relating to protecting confidential entity information.

The information contained in the resource inventory can be obtained from the individual law enforcement agencies around the state in compliance with the Public Records Act. However, in order to compile the document it would necessitate contact with approximately 386 individual agencies. The argument that anyone could take a "sole source document and know the strengths and weaknesses of the state law enforcement effort" has merit. The importance attributed to a sole source document, coupled with the difficulty of compiling such a document through channels presently available under the Public Records Act, are significant enough to set aside the claim of alternative access. Alternative access for state and local law enforcement plans, if available, is through civil defense, public safety, or other law enforcement agencies.

Additionally, the Department of Military Affairs considers that the "comprehensive listing of our units, their personnel and their equipment when taken as a total picture is confidential. Therefore, the disclosure of inventory of state and local law enforcement resources would breach the security to which we must adhere."

Section 119.14(3)(d), Florida Statutes, states that no exemption which is required by federal law shall be subject to repeal.

This specific exemption is not required by federal law, but a portion of the exempt information, specifically the comprehensive manpower of resource information of the Department of Military Affairs, appears to constitute classified military information, which under the preemption described would prohibit it from public disclosure.

On the other hand, although we conclude that the "whole" carries great weight as a sole source document, there is insufficient evidence to justify an exemption for the parts of the resource document, specifically manpower and equipment. We, therefore, conclude that this exemption should be maintained for the sole source document, but need not be expanded to include individual local and state law enforcement lists of personnel or equipment.

It is finally concluded that the exemption in section 23.129, Florida Statutes, relating to an inventory of state and local law enforcement resources should be continued. The present law exempts the inventory from chapter 119, Florida Statutes, and also bestows confidential status upon the information. Consistent with the definitions of exempt and confidential in the Introduction section of this report and because of the federal confidential classification attached to a portion of the

inventory, we conclude that the inventory of state and local law enforcement resources should be confidential. Any information abstracted from the resource document that is included in the Florida Mutual Aid Plan should also remain confidential.

We also conclude that prior inventories differ slightly from the current inventory of resources and, therefore, should remain closed.

The Florida Mutual Aid Plan, however, exclusive of resource information and information exempt under section 119.07, Florida Statutes, should not be exempt from the Public Records Act, as it does not appear to include any mobilization plans, response times, or any information other than personnel and resource information of such a sensitive nature to require exemption.

But, we also conclude that individual state and local law enforcement agency operational plans do include such things as mobilization plans, response times, and much detailed information of such a sensitive nature that they require an exemption from the Public Records Act.

We agree with Common Cause that accountability should be maintained to assess the degree of successful operations, and so forth. This can be done by granting to the Office of the Governor, the Department of Legal Affairs, Department of Law Enforcement, or the Department of Community Affairs access to all state and local comprehensive operational policies or plans.

V. RECOMMENDATIONS

It is therefore recommended that:

The confidential status granted pursuant to section 23.129, Florida Statutes, be continued for the inventory of state and local law enforcement resources and be extended to the Florida Mutual Aid Plan only to include information abstracted from the resource document that is included in the Florida Mutual Aid Plan and information exempt under chapter 119, Florida Statutes. Prior inventories and information abstracted therefrom shall remain exempt.

The exemption pertaining to the Florida Mutual Aid Plan, exclusive of resource information and otherwise exempt information, should lapse.

Any Florida Mutual Aid Plan heretofore exempt, exclusive of resource information, shall be open for public inspection.

Any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies, as defined in section 252.346, Florida Statutes, shall be exempt from the provisions of 119.07(1), Florida Statutes, and unavailable for inspection, except by personnel authorized by a state or

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A bill to be entitled

An act relating to the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources; reenacting, reviving and amending s. 23.129, F.S.; specifying information which is exempt from the provisions of law relating to public records; providing an effective date.

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

Section 1. Section 23.129, Florida Statutes, is amended to read:

23.129 Limitation of access to records.--

Notwithstanding s. 119.14, any documents or information made a part of the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources shall be confidential, exempt from the provisions of chapter 119, and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Department of Community Affairs as having an official need for access to the plan or inventory. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 2. This act shall take effect October 1, 1986.

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SENATE SUMMARY

18 1548

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Smawley</u>	Swindell <i>PS</i>	1. _____	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

The Florida Mutual Aid Plan
and The Inventory of State and
Local Law Enforcement Resources

BILL NO. AND SPONSOR:

PCB 2 by
Governmental Operations Comm.

I. SUMMARY:

A. Present Situation:

The Florida Mutual Aid Plan (FMAP) is made confidential and exempt from the provisions of the Public Records Act, ch. 119, F.S., by s. 23.129, F.S. That section also allows access to all those persons authorized, and thus allowed access to the plan, by "a state or local law enforcement agency, the Office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement or the Department of Community Affairs as having an official need for access to the plan or inventory."

The Department of Law Enforcement, Division of Local Law Enforcement Assistance has not prepared a document entitled "The Florida Mutual Aid Plan" in accordance with s. 23.1231, F.S. They have, however, prepared the "Florida Civil Disturbance Plan" (FCDP). The FCDP contains information outlining the included agencies' responses to civil disturbances, that is to emergency situations whether through acts of God or man, which are of sufficient magnitude and duration to necessitate state intervention and coordination. The FCDP was first published in June 1984. The original FCDP is maintained by the Mutual Aid Bureau of the Division of Local Law Enforcement Assistance. According to the Mutual Aid administrator approximately 20 copies of the FCDP have been circulated among the following agencies: the Department of Law Enforcement; the Department of Highway Safety and Motor Vehicles, Division of Highway Patrol; the Department of Natural Resources, Division of Law Enforcement (Marine Patrol); the Game and Fresh Water Fish Commission; the Department of Corrections; the Department of Military Affairs; and the Department of Community Affairs, Division of Emergency Management.

Chapter 119, F.S., provides for public access to all records in general and provides that certain records deemed to be confidential are by law prohibited from inspection by the public.

The Open Government Sunset Review Act, ss. 119.14, F.S., and 286.0111, F.S., provides for the systematic repeal, over the 10-year period October 1, 1986 - October 1, 1995, of certified exemptions to the public Records Act and the Public Meetings Law. The exemptions are certified by the Division of Statutory Revision of the Joint Legislative Management Committee to the President of the Senate and the Speaker of the House of Representatives as being subject to the provisions of the act. Exemptions in Titles I-V of the Florida Statutes are repealed October 1, 1986. Unless the Legislature finds that an

exemption serves an identifiable public purpose as defined in the act, they must allow the exemption to repeal.

B. Effect of Proposed Changes:

The bill would revive and reenact in its present form the confidentiality of the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources notwithstanding the provisions of the Open Government Sunset Review Act. The bill would also add language to clarify that s. 23.129, F.S., is subject to the provisions of the Open Government Sunset Review Act and to provide a future repeal date of October 1, 1996 for the exemption.

II. ECONOMIC IMPACT AND FISCAL NOTE:

None

III. COMMENTS:

The Department of Law Enforcement is of the opinion that the repeal of the exemption would prevent it from effectively and efficiently administering the Mutual Aid Program. The department states that information it receives from state and local law enforcement agencies is provided voluntarily and with the expectation of confidentiality. The department believes that without this confidentiality, the agencies would be reluctant to provide the information. The department also believes that the release of the information could jeopardize the safety of law enforcement and National Guard personnel by disclosing their relative strengths and weaknesses. Finally, the department contends that the release of the information could hamper the ability of these agencies to respond to emergency situations.

Because the document prepared by the Division of Local Law Enforcement Assistance is not titled "Florida Mutual Aid Plan" there may be a question as to its confidential status under s. 23.129, F.S.

IV. AMENDMENTS:

None

By the Committee on Governmental Operations

18

1548

This publication was produced at a average cost of 1.5 cents per page for the information of members of the Legislature and the public.

1 A bill to be entitled

2 An act relating to the law enforcement mutual

3 aid plan and inventory of resources; amending

4 s. 23.129, F.S.; specifying information which

5 is exempt from the provisions of law relating

6 to public records; providing for review of

7 exemptions pursuant to the Open Government

8 Sunset Review Act; providing an effective date.

9

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

11

12 Section 1. Section 23.129, Florida Statutes, is

13 amended to read:

14 23.129 Limitation of access to records.--

15 Notwithstanding s. 119.14, any documents or information made a

16 part of the Florida Mutual Aid Plan or and the inventory of

17 state and local law enforcement resources shall be

18 confidential, exempt from the provisions of chapter 119, and

19 unavailable for inspection, except by personnel authorized by

20 a state or local law enforcement agency, the office of the

21 Governor, the Department of Legal Affairs, the Department of

22 Law Enforcement, or the Department of Community Affairs as

23 having an official need for access to the plan or inventory.

24 These exemptions are subject to the Open Government Sunset

25 Review Act in accordance with s. 119.14

26 Section 2. This act shall take effect October 1, 1986.

27 *****

28 SENATE SUMMARY

29 Exempts the Florida Mutual Aid Plan and the inventory of

30 state and local law enforcement resources from provisions

31 of the public records law.

1 A bill to be entitled
2 An act relating to law enforcement; repealing
3 s. 23.129, F.S., relating to limitation of
4 access to certain records; amending s. 119.07,
5 F.S.; specifying information compiled by
6 criminal justice agencies which is exempt from
7 the public records law; specifying persons who
8 may have access to exempt information;
9 providing for review of exemptions pursuant to
10 the Open Government Sunset Review Act;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 23.129, Florida Statutes, is hereby
16 repealed.

17 Section 2. Paragraph (f) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection and examination of records;
20 exemptions.--

21 (3)

22 (f) Any information revealing surveillance techniques

23 or procedures or personnel is exempt from the provisions of

24 subsection (1). Notwithstanding s. 119.14, any comprehensive

25 inventory of state and local law enforcement resources, and any ^{compiled pursuant to Part I, Chapter 23}

26 comprehensive policies or plans compiled by a criminal justice

27 agency pertaining to the mobilization, deployment, or tactical

28 operations involved in responding to emergencies, as defined

29 in s. 252.34(2), are exempt from the provisions of subsection

30 (1) and unavailable for inspection, except by personnel

31 authorized by a state or local law enforcement agency, the

1 | office of the Governor, the Department of Legal Affairs, the
2 | Department of Law Enforcement, or the Department of Community
3 | Affairs, as having an official need for access to the
4 | inventory or comprehensive policies or plans. This exemption
5 | is subject to the Open Government Sunset Review Act in
6 | accordance with s. 119.14.

7 | Section 3. This act shall take effect October 1, 1986.
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BILL ACTION REPORT

(XX-85: File with Secretary of Senate)

BILL NO. SB 56

COMMITTEE ON Governmental Operations

DATE March 4, 1986

DATE REPORTED March 5, 1986

18

1548

TIME 2:00 - 5:00 p.m.

FINAL ACTION:

PLACE Room H, Sen. Office Bldg.

 Favorably with amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

 X Favorably with Committee Substitute

 Unfavorably

 NONE

OTHER: Temporarily Passed

 Reconsidered

 Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	Proposed CS by Frank									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
X		W.D. Childers	W									
X		Frank	I									
		Gersten	T									
		Hair	H									
X		Johnson	O									
X		Kiser	U									
X		Stuart	T									
		VICE CHAIRMAN Girardeau										
X		CHAIRMAN Voigt	O									
			B									
			J									
			E									
			C									
			T									
			I									
			O									
			N									
6	0	TOTAL	X									
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (X)
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

MARCH 4, 1986
(date)

SB 56
(Bill No.)

Name J. M. (BUDDY) PHILLIPS

Address P. O. BOX 1489, TALL, FLA 32312

Representing FDLE

Lobbyist (Registered with Senate) Yes No

Speaking: For Against Information

Subject FLA MUTUAL AID ACT. (SUNSET REVIEW)

If state employee-- Time: from _____ .m. to _____ .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

March 4, 1986
(date)

56
(Bill No.)

Name MASON Charles C Hall

Address Kirkman Pkwy Tallh.

Representing FHP

Lobbyist (Registered with Senate) Yes No

Speaking: For Against Information

Subject Mutual Aid Plan

If state employee-- Time: from 2:00p .m. to 3:00p .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)

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1 A bill to be entitled
 2 An act relating to law enforcement; repealing
 3 s. 23.129, F.S., relating to limitation of
 4 access to certain records; amending s. 119.07,
 5 F.S.; specifying information compiled by
 6 criminal justice agencies which is exempt from
 7 the public records law; specifying persons who
 8 may have access to exempt information;
 9 providing for review of exemptions pursuant to
 10 the Open Government Sunset Review Act;
 11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 23.129, Florida Statutes, is hereby
16 repealed.

17 Section 2. Paragraph (f) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection and examination of records;
20 exemptions.--

21 (3)

22 (f) Any information revealing surveillance techniques
 23 or procedures or personnel is exempt from the provisions of
 24 subsection (1). Notwithstanding s. 119.14, any comprehensive
 25 inventory of state and local law enforcement resources
 26 compiled pursuant to part I, chapter 23, and any comprehensive
 27 policies or plans compiled by a criminal justice agency
 28 pertaining to the mobilization, deployment, or tactical
 29 operations involved in responding to emergencies, as defined
 30 in s. 252.34(2), are exempt from the provisions of subsection
 31 (1) and unavailable for inspection, except by personnel

1 authorized by a state or local law enforcement agency, the
 2 office of the Governor, the Department of Legal Affairs, the
 3 Department of Law Enforcement, or the Department of Community
 4 Affairs, as having an official need for access to the
 5 inventory or comprehensive policies or plans. This exemption
 6 is subject to the Open Government Sunset Review Act in
 7 accordance with s. 119.14.

8 Section 3. This act shall take effect October 1, 1986.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 56

Repeals the public records exemption for the Florida Mutual Aid Plan.

Provides that the comprehensive inventory of state and local law enforcement resources and tactical plans made for response to emergencies are confidential. These exemptions are placed in ch. 119, F.S.

Committee on Governmental Operations

Betty L. Brundell
Staff Director

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Smawley</u>	<u>Swindell</u>	1. <u>GO</u>	<u>Fav/CS</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Law Enforcement Mutual Aid
Plan and Inventory of Resources

BILL NO. AND SPONSOR:

CS/SB 56 by
Governmental Operations

I. SUMMARY:

A. Present Situation:

The Florida Mutual Aid Plan (FMAP) is made confidential and exempt from the provisions of the Public Records Act, ch. 119, F.S., by s. 23.129, F.S. That section also allows access to all those persons authorized, and thus allowed access to the plan, by "a state or local law enforcement agency, the Office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement or the Department of Community Affairs as having an official need for access to the plan or inventory."

The Department of Law Enforcement, Division of Local Law Enforcement Assistance has not prepared a document entitled "The Florida Mutual Aid Plan" in accordance with s. 23.1231, F.S. They have, however, prepared the "Florida Civil Disturbance Plan" (FCDP). The FCDP contains information outlining the included agencies' responses to civil disturbances, that is to emergency situations whether through acts of God or man, which are of sufficient magnitude and duration to necessitate state intervention and coordination. The FCDP was first published in June 1984. The original FCDP is maintained by the Mutual Aid Bureau of the Division of Local Law Enforcement Assistance. According to the Mutual Aid administrator approximately 20 copies of the FCDP have been circulated among the following agencies: the Department of Law Enforcement; the Department of Highway Safety and Motor Vehicles, Division of Highway Patrol; the Department of Natural Resources, Division of Law Enforcement (Marine Patrol); the Game and Fresh Water Fish Commission; the Department of Corrections; the Department of Military Affairs; and the Department of Community Affairs, Division of Emergency Management.

Chapter 119, F.S., provides for public access to all records in general and provides that certain records deemed to be confidential are by law prohibited from inspection by the public.

The Open Government Sunset Review Act, ss. 119.14, F.S., and 286.0111, F.S., provides for the systematic repeal, over the 10-year period October 1, 1986 - October 1, 1995, of certified exemptions to the public records act and the Public Meetings Law. The exemptions are certified by the Division of Statutory Revision of the Joint Legislative Management Committee to the President of the Senate and the Speaker of the House of Representatives as being subject to the provisions of the act. Exemptions in Titles I-V of the Florida Statutes are repealed October 1, 1986. Unless the Legislature finds that an

exemption serves an identifiable public purpose as defined in the act, they must allow the exemption to repeal.

B. Effect of Proposed Changes:

The bill would repeal the public records exemption for the Florida Mutual Aid Plan effective October 1, 1986. Confidentiality provisions relating to the comprehensive inventory of state and local law enforcement resources, prepared pursuant to Part I, ch. 23, F.S., would be maintained and transferred to ch. 119, F.S. In addition, the bill would specifically provide that comprehensive policies or plans compiled by a criminal justice agency which detail mobilization, deployment, or tactical responses to emergencies would be confidential. These provisions would be made subject to the Open Government Sunset Review Act which requires its future repeal October 1, 1996.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None

B. Government:

None

III. COMMENTS:

The Department of Law Enforcement is of the opinion that the Florida Mutual Aid Plan can be made public without harm to the objectives of the plan. The department also believes that the inventory of state and local law enforcement resources and the comprehensive policies and plans need to be confidential to allow the effective and efficient administration of emergency response of law enforcement as well as to protect the safety of law enforcement personnel.

IV. AMENDMENTS:

None

1 A bill to be entitled
2 An act relating to law enforcement; repealing
3 s. 23.129, F.S., relating to limitation of
4 access to certain records; amending s. 119.07,
5 F.S.; specifying information compiled by
6 criminal justice agencies which is exempt from
7 the public records law; specifying persons who
8 may have access to exempt information;
9 providing for review of exemptions pursuant to
10 the Open Government Sunset Review Act;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 23.129, Florida Statutes, is hereby
16 repealed.

17 Section 2. Paragraph (f) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection and examination of records;
20 exemptions.--

21 (3)

22 (f) Any information revealing surveillance techniques
23 or procedures or personnel is exempt from the provisions of
24 subsection (1). Notwithstanding s. 119.14, any comprehensive
25 inventory of state and local law enforcement resources
26 compiled pursuant to part I, chapter 23, and any comprehensive
27 policies or plans compiled by a criminal justice agency
28 pertaining to the mobilization, deployment, or tactical
29 operations involved in responding to emergencies, as defined
30 in s. 252.34(2), are exempt from the provisions of subsection
31 (1) and unavailable for inspection, except by personnel

1 authorized by a state or local law enforcement agency, the
 2 office of the Governor, the Department of Legal Affairs, the
 3 Department of Law Enforcement, or the Department of Community
 4 Affairs, as having an official need for access to the
 5 inventory or comprehensive policies or plans. This exemption
 6 is subject to the Open Government Sunset Review Act in
 7 accordance with s. 119.14.

8 Section 3. This act shall take effect October 1, 1986.

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HP 1188

1 A bill to be entitled
2 An act relating to Florida Mutual Aid Plan;
3 reenacting the public records exemption and
4 confidentiality of the inventory of state and
5 local law enforcement resources, abolishing the
6 exemption for the Florida Mutual Aid Plan and
7 opening the records relating to prior Florida
8 Mutal Aid Plan, exclusive of inventory
9 information; providing an effective date.

10

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

12

13 Section 1. Section 23.129, Florida Statutes, is
14 substantially rewritten to read:

15 23.129 Limitation of access to records.--~~The Florida~~
16 ~~Mutual-Aid-Plan-and-the-inventory-of-state-and-local-law~~
17 ~~enforcement-resources-shall-be-confidential,-exempt-from-the~~
18 ~~provisions-of-chapter-119,-and-unavailable-for-inspection,~~
19 ~~except-by-personnel-authorized-by-a-state-or-local-law~~
20 ~~enforcement-agency,-the-office-of-the-Governor,-the-Department~~
21 ~~of-Legal-Affairs,-the-Department-of-Law-Enforcement,-or-the~~
22 ~~Department-of-Community-Affairs-as-having-an-official-need-for~~
23 ~~access-to-the-plan-or-inventory.~~

24 Notwithstanding s. 119.14, with respect to the
25 inventory of state and local law enforcement resources made on
26 or after October 1, 1986, the inventory of state and local law
27 enforcement resources shall be confidential and exempt from
28 the provisions of Chapter 119. However, the inventory shall
29 be available for inspection by personnel authorized by state
30 and local law enforcement agencies, the office of the
31 Governor, the Department of Legal Affairs, the Department of

1 Law Enforcement, and the Department of Community Affairs as
2 having an official need for access to the inventory. This
3 exemption is subject to the Open Government Sunset Review Act
4 in accordance with s. 119.14. However, the Florida Mutual Aid
5 Plan, exclusive of states and local law enforcement resource
6 information, made prior to October 1, 1986, shall be public
7 and open for inspection pursuant to the provisions of section
8 119.07(1).

9 Section 2. This act shall take effect October 1, 1986.

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1 A bill to be entitled
2 An act relating to law enforcement; repealing
3 s. 23.129, F.S., relating to limitation of
4 access to certain records; amending s. 119.07,
5 F.S.; specifying information compiled by
6 criminal justice agencies which is exempt from
7 the public records law; specifying persons who
8 may have access to exempt information;
9 providing for review of exemptions pursuant to
10 the Open Government Sunset Review Act;
11 providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Section 23.129, Florida Statutes, is hereby
16 repealed.

17 Section 2. Paragraph (f) of subsection (3) of section
18 119.07, Florida Statutes, is amended to read:

19 119.07 Inspection and examination of records;
20 exemptions.--

21 (3)

22 (f) Any information revealing surveillance techniques
23 or procedures or personnel is exempt from the provisions of
24 subsection (1). Notwithstanding s. 119.14, any comprehensive
25 inventory of state and local law enforcement resources
26 compiled pursuant to Part I, chapter 23, Florida Statutes, and
27 any comprehensive policies or plans compiled by a criminal
28 justice agency pertaining to the mobilization, deployment, or
29 tactical operations involved in responding to emergencies, as
30 defined in s. 252.34(2), are exempt from the provisions of
31 subsection (1) and unavailable for inspection, except by

1 personnel authorized by a state or local law enforcement
2 agency, the office of the Governor, the Department of Legal
3 Affairs, the Department of Law Enforcement, or the Department
4 of Community Affairs, as having an official need for access to
5 the inventory or comprehensive policies or plans. This
6 exemption is subject to the Open Government Sunset Review Act
7 in accordance with s. 119.14.

8 Section 3. This act shall take effect October 1, 1986.
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HOUSE SUMMARY

Repeals provision relating to limitation of access to the Florida Mutual Aid Plan. Exempts the inventory of state and local law enforcement resources and comprehensive policies and plans of criminal justice agencies, prepared in anticipation of emergencies, from provisions of the public records law.

STORAGE NAME: GO/PCB 11(86)

Date: December 11, 1985

Revised: _____

Final: _____

19

1551

HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
STAFF ANALYSIS

BILL# GO/PCB 11 SPONSOR Governmental Operations

EFFECTIVE DATE October 1, 1986 IDENTICAL/SIMILAR BILLS _____

RELATING TO Florida Mutual Aid Plan

OTHER COMMITTEES OF REFERENCE _____

I. SUMMARY:

The bill would reenact the Public Records exemption presently accorded to the Bureau of Mutual Aid, Department of Law Enforcement (DLE), for the inventory of state and local law enforcement resources. It would not reenact the exemption for the Florida Mutual Aid Plan. The bill would also open prior plans, but would maintain the confidential nature for prior inventories or any information abstracted therefrom included in the plans.

Section 23.129, Florida Statutes, currently exempts both the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources from chapter 119, Florida Statutes (the Public Records Act). The records are confidential and unavailable for inspection by other than authorized personnel.

The purpose of the plan is to preplan distribution and allocation of state resources in support of the overall law enforcement mission. The plan is administered by the Division of Local Law Enforcement Assistance of the Department of Law Enforcement. The plan does not include specific response times, mobilization plans, road block information, etc. It is a general policy and procedure with resource and personnel information included.

The inventory of state and local resources is a compilation of all state and local law enforcement manpower and equipment. The information is detailed to include specialized training and equipment, radio frequencies, etc. Although this information is obtainable through the approximately 367 individual law enforcement agencies around the state, the assertions made by DLE to continue the exemption for the inventory of state and local law enforcement resources meet the criteria established in section 119.14(4)(b)1, Florida Statutes, in that the exemption "allows the state or its political

subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption." The argument that anyone could take a "sole source document and know the strengths and weaknesses of the state law enforcement effort" has merit. The importance attributed to a sole source document, coupled with the difficulty of compiling such a document through channels presently available with the Public Records Act are significant enough to set aside the claim of alternative access.

The Department of Military Affairs, whose resources are included in the inventory, considers the comprehensive listing of their units, personnel and equipment when taken as a total picture to be confidential.

Section 119.14(3)(d), Florida Statutes, states that no exemption which is required by federal law shall be subject to repeal.

Although this exemption is not specifically required by federal law, a portion of the exempt information, specifically the comprehensive manpower and resource information of the Department of Military Affairs, appears to constitute classified military information, which under the preemption described would prohibit it from public disclosure.

Inventories from prior years differ only slightly from the current inventory of resources. Therefore, these records should remain closed.

The Florida Mutual Aid Plan, absent resource information abstracted from the inventory, does not meet any criteria established in section 119.14(4)(b). There is nothing, exclusive of inventory information, of such a sensitive nature to require an exemption. The Florida Mutual Aid Plan and prior plans, excepting resource information, should be open for public inspection.

II. ECONOMIC IMPACT:

None.

III. COMMENTS:

The provisions of the bill are consistent with the conclusions and recommendations made in a report prepared by the House Governmental Operations Committee staff following the review of the exemptions pursuant to the Open Government Sunset Review Act.

IV. AMENDMENTS:

None.

V. PREPARED BY Monica A. Lasseter

VI. STAFF DIRECTOR Jack C. Overstreet

mal BI
J

STORAGE NAME: GO/PCB 11(86)

Date: February 12, 1986

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
STAFF ANALYSIS

14 1551

BILL #: GO/PCB 11

RELATING TO: Florida Mutual Aid Plan

SPONSOR(S): Governmental Operations

EFFECTIVE DATE: October 1, 1986

COMPANION BILL(S): None

OTHER COMMITTEES OF REFERENCE: (1) None

(2) _____

I. SUMMARY:

The bill would reenact the public records exemption presently accorded to the Bureau of Mutual Aid, Department of Law Enforcement (DLE), for the inventory of state and local law enforcement resources. However, it would move the exemption to chapter 119, Florida Statutes. It would not reenact the exemption for the Florida Mutual Aid Plan. It would, however, create an exemption under section 119.07, Florida Statutes, for any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies.

Section 23.129, Florida Statutes, currently exempts both the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources from chapter 119, Florida Statutes (the Public Records Act). The records are confidential and unavailable for inspection by other than authorized personnel.

The purpose of the plan is to preplan distribution and allocation of state resources in support of the overall law enforcement mission. The plan is administered by the Division of Local Law Enforcement Assistance of the Department of Law Enforcement. The plan does not include response times, mobilization plans, road block information, or other specific operational strategies. It is a general policy and procedure with resource and personnel information included.

The inventory of state and local resources is a compilation of all state and local law enforcement manpower and equipment. The information is detailed to include specialized training and equipment, radio frequencies, etc. Although this information is obtainable through the approximately 386 individual law enforcement agencies around the state, the assertions made by DLE to continue the

exemption for the inventory of state and local law enforcement resources meet the criteria established in section 119.14(4)(b)1, Florida Statutes, in that the exemption "allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption." The argument that anyone could take a "sole source document and know the strengths and weaknesses of the state law enforcement effort" has merit. The importance attributed to a sole source document, coupled with the difficulty of compiling such a document through channels presently available with the Public Records Act are significant enough to set aside the claim of alternative access.

The Department of Military Affairs, whose resources are included in the inventory, considers the comprehensive listing of their units, personnel and equipment when taken as a total picture to be confidential.

Section 119.14(3)(d), Florida Statutes, states that no exemption which is required by federal law shall be subject to repeal. Although this exemption is not specifically required by federal law, a portion of the exempt information, specifically the comprehensive manpower and resource information of the Department of Military Affairs, appears to constitute classified military information, which under the preemption described would prohibit it from public disclosure.

Inventories from prior years differ only slightly from the current inventory of resources. Therefore, these records should remain closed.

The Florida Mutual Aid Plan, absent resource information abstracted from the inventory, does not meet any criteria established in section 119.14(4)(b). There is nothing, exclusive of inventory information in that plan, of such a sensitive nature to require an exemption. The Florida Mutual Aid Plan and prior plans, excepting resource information, should be open for public inspection.

There are appendices to the Florida Mutual Aid Plan and the plan makes reference to state and local law enforcement operational plans. The Department of Law Enforcement contends that these state and local plans are incorporated by reference and, therefore, exempt. These state and local operational plans include sensitive information, the release of which could significantly impair law enforcement operations. These plans meet the criteria for a public records exemption set forth in section 119.14(4)(b), Florida Statutes. However, because they are not expressly exempt from the statutes, the contention that they are exempt because they are referenced in or appended to the Florida Mutual Aid Plan is questionable. A specific exemption is provided in the bill.

II. ECONOMIC IMPACT:

None.

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

The provisions of the bill are consistent with the conclusions and recommendations made in a report prepared by the House Governmental Operations Committee staff following the review of the exemptions pursuant to the Open Government Sunset Review Act, and have been agreed to by the Department of Law Enforcement.

"Emergency" as defined in section 252.34, Florida Statutes, "means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property."

Criminal justice agency as defined in section 119.011, Florida Statutes, includes any law enforcement agency, court or prosecutor.

V. AMENDMENTS:

None

VI. PREPARED BY: Monica A. Lasseter *mal*

VII. STAFF DIRECTOR: Jack C. Overstreet *J*

Date: February 12, 1986
Revised: April 8, 1986
Final: June 13, 1986

HOUSE OF REPRESENTATIVES
COMMITTEE ON GOVERNMENTAL OPERATIONS
STAFF ANALYSIS

19 1551

BILL #: HB 1188
RELATING TO: Florida Mutual Aid Plan
SPONSOR(S): Governmental Operations
EFFECTIVE DATE: October 1, 1986
COMPANION BILL(S): None
OTHER COMMITTEES OF REFERENCE: (1) None
(2) _____

I. SUMMARY:

The bill would reenact the public records exemption presently accorded to the Bureau of Mutual Aid, Department of Law Enforcement (DLE), for the inventory of state and local law enforcement resources. However, it would move the exemption to chapter 119, Florida Statutes. It would not reenact the exemption for the Florida Mutual Aid Plan. It would, however, create an exemption under section 119.07, Florida Statutes, for any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to emergencies.

Section 23.129, Florida Statutes, currently exempts both the Florida Mutual Aid Plan and the inventory of state and local law enforcement resources from chapter 119, Florida Statutes (the Public Records Act). The records are confidential and unavailable for inspection by other than authorized personnel.

The purpose of the plan is to preplan distribution and allocation of state resources in support of the overall law enforcement mission. The plan is administered by the Division of Local Law Enforcement Assistance of the Department of Law Enforcement. The plan does not include response times, mobilization plans, road block information, or other specific operational strategies. It is a general policy and procedure with resource and personnel information included.

The inventory of state and local resources is a compilation of all state and local law enforcement manpower and equipment. The information is detailed to include specialized training and equipment, radio frequencies, etc. Although this information is obtainable through the approximately 386 individual law enforcement agencies around the state, the assertions made by DLE to continue the exemption for the inventory of state and local law enforcement resources meet the criteria established in section 119.14(4)(b)1,

Florida Statutes, in that the exemption "allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption." The argument that anyone could take a "sole source document and know the strengths and weaknesses of the state law enforcement effort" has merit. The importance attributed to a sole source document, coupled with the difficulty of compiling such a document through channels presently available with the Public Records Act are significant enough to set aside the claim of alternative access.

The Department of Military Affairs, whose resources are included in the inventory, considers the comprehensive listing of their units, personnel and equipment when taken as a total picture to be confidential.

Section 119.14(3)(d), Florida Statutes, states that no exemption which is required by federal law shall be subject to repeal. Although this exemption is not specifically required by federal law, a portion of the exempt information, specifically the comprehensive manpower and resource information of the Department of Military Affairs, appears to constitute classified military information, which under the preemption described would prohibit it from public disclosure.

Inventories from prior years differ only slightly from the current inventory of resources. Therefore, these records should remain closed.

The Florida Mutual Aid Plan, absent resource information abstracted from the inventory, does not meet any criteria established in section 119.14(4)(b). There is nothing, exclusive of inventory information in that plan, of such a sensitive nature to require an exemption. The Florida Mutual Aid Plan and prior plans, excepting resource information, should be open for public inspection.

There are appendices to the Florida Mutual Aid Plan and the plan makes reference to state and local law enforcement operational plans. The Department of Law Enforcement contends that these state and local plans are incorporated by reference and, therefore, exempt. These state and local operational plans include sensitive information, the release of which could significantly impair law enforcement operations. These plans meet the criteria for a public records exemption set forth in section 119.14(4)(b), Florida Statutes. However, because they are not expressly exempt from the statutes, the contention that they are exempt because they are referenced in or appended to the Florida Mutual Aid Plan is questionable. A specific exemption is provided in the bill.

II. ECONOMIC IMPACT:

None

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None

IV. COMMENTS:

The provisions of the bill are consistent with the conclusions and recommendations made in a report prepared by the House Governmental Operations Committee staff following the review of the exemptions pursuant to the Open Government Sunset Review Act, and have been agreed to by the Department of Law Enforcement.

"Emergency" as defined in section 252.34, Florida Statutes, "means any occurrence, or threat thereof, whether accidental, natural, or caused by man, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property."

Criminal justice agency as defined in section 119.011, Florida Statutes, includes any law enforcement agency, court or prosecutor.

V. AMENDMENTS:

None

VI. FINAL ACTION:

HB 1188 died on the Senate Calendar. SB 56, an identical measure, passed both Houses, Chapter 86-11, Laws of Florida.

VII. PREPARED BY: Monica A. Lasseter *mal*

VIII. STAFF DIRECTOR: Jack C. Overstreet *J*

TALK SHEET - Florida Mutual Aid Plan

SECTION 23.129, FLORIDA STATUTES, EXEMPTS TWO DISTINCT DOCUMENTS FROM CHAPTER 119, THE PUBLIC RECORDS ACT. ONE IS THE FLORIDA MUTUAL AID PLAN AND THE OTHER IS THE INVENTORY OF STATE AND LOCAL LAW ENFORCEMENT RESOURCES. BOTH DOCUMENTS ARE CONFIDENTIAL AND UNAVAILABLE FOR INSPECTION BY OTHER THAN AUTHORIZED PERSONEL.

THE PURPOSE OF THE FLORIDA MUTUAL AID PLAN IS TO INSURE ADEQUATE PREPARATION FOR RIOT AND CIVIL DISTURBANCES AND INSURE COORDINATION OF LAW ENFORCEMENT OPERATION.

THE PURPOSE OF THE INVENTORY IS TO INSURE COORDINATION AND DISPATCH OF LAW ENFORCEMENT PERSONNEL AND EQUIPMENT.

THE PLAN AND THE INVENTORY ARE UNDER THE CONTROL OF THE BUREAU OF MUTUAL AID, DIVISION OF LOCAL LAW ENFORCEMENT ASSISTANCE OF THE DEPARTMENT OF LAW ENFORCEMENT.

IN ORDER TO EVALUATE WHETHER THE EXEMPTIONS SHOULD BE CONTINUED, STAFF CONTACTED THE BUREAU, ALL STATE LAW ENFORCEMENT AGENCIES, AND THE COUNTY SHERRIFFS' AND POLICE CHIEFS' ASSOCIATIONS. ADDITIONALLY, THE FLORIDA PRESS ASSOCIATION AND COMMON CAUSE WERE CONTACTED FOR THEIR INPUT REGARDING THE EXEMPTION.

THE BUREAU OF MUTUAL AID, BELIEVES IT IS ESSENTIAL TO THEIR OPERATION OF THE PLAN AND THE WELFARE OF THE CITIZENS OF FLORIDA THAT THE PLAN AND RESOURCES CONTINUE TO BE EXEMPT FROM THE PUBLIC RECORDS ACT. THEY ASSERT AND I QUOTE, "COPIES OF THESE DOCUMENTS WOULD BE VALUABLE TO CRIMINAL ELEMENTS, TERRORISTS, EXTREMIST ORGANIZATIONS, AND ALIEN FOREIGN GOVERNMENTS IN ASSESSING THE STRENGTHS AND VULNERABILITIES OF THE LAW ENFORCEMENT COMMUNITY IN FLORIDA...SUCH STRATEGIC INTELLIGENCE", THEY SAY, "WOULD AFFORD THOSE INDIVIDUALS AND/OR

ORGANIZATIONS NECESSARY INFORMATION TO CONDUCT CRIMINAL ACTS ON A
BROADER SCOPE THAN WOULD PERHAPS BE AVAILABLE WITHOUT SUCH
KNOWLEDGE."END QUOTE.

ADDITIONALLY, THE DEPARTMENT OF MILITARY AFFAIRS, IS OF
THE OPINION THAT THE PLAN CONTAINS CONFIDENTIAL INFORMATION IN IT
AS TO CONTINGENCY PLANS FOR DEALING WITH RIOTS, CIVIL
DISTURBANCES, NATURAL DISASTERS AND OTHER MAJOR LAW ENFORCEMENT
PROBLEMS IN THE STATE OF FLORIDA."

HOWEVER, THE BUREAU OF MUTUAL AID SAID THAT THE FLORIDA
MUTUAL AID PLAN CONTAINS ONLY GENERAL POLICY AND PROCEDURE.

THE BUREAU CHIEF SAID THE PLAN --DOES NOT-- INCLUDE
SPECIFICS SUCH AS RESPONSE TIMES, MOBILIZATION PLANS, ROAD BLOCK
LOCATIONS, AND SO FORTH. THE BUREAU IDENTIFIED THE MANPOWER AND
RESOURCE INFORMATION IN THE PLAN AS THE ONLY SPECIFIC ITEMS THEY
BELIEVE LEGITIMATELY REQUIRE EXEMPTION.

ALTHOUGH THE CONCEALMENT OF RIOT, CIVIL DISTURBANCE AND
OTHER CONTINGENCY PLANS FROM THE CRIMINAL ELEMENT APPEARS

MERITORIOUS , BY THE BUREAU'S OWN ADMISSION, THE MUTUAL AID PLAN,
CONTAINS NO SENSITIVE INFORMATION, EXCEPT PERSONNEL AND RESOURCE
INFORMATION. IT IS IMPORTANT, HERE, TO MAKE THE DISTINCTION
BETWEEN THE TWO DOCUMENTS. ONE DOCUMENT IS SOLELY A GENERAL
POLICY AND PROCEDURE MANUAL AND INCLUDES SOME INFORMATION FROM
THE OTHER DOCUMENT. THE INFORMATION FROM THE OTHER DOCUMENT
(RESOURCE INFORMATION) IS WHAT THE BUREAU BELIEVES LEGITIMATELY
REQUIRES EXEMPTION, NOT THE PLAN ITSELF. AS WE HAVE SAID, THE PLAN
DOES NOT INCLUDE SUCH THINGS AS RESPONSE TIMES OR MOBILIZATION
PLANS. THEREFORE, ABSENT PERSONNEL AND RESOURCE INFORMATION
ABSTRACTED FROM THE OTHER EXEMPTED DOCUMENT, THERE APPEARS TO BE
NOTHING IN THE PLAN THAT MEETS THE CRITERIA ESTABLISHED BY LAW.
IF THE PLAN WERE MADE PUBLIC, IT WOULD NOT IMPAIR THE
EFFECTIVENESS OR EFFICIENCY OF ANY OPERATION, IT WOULD NOT DEFAME
OR HARM ANY PERSON, AND IT WOULD NOT DISCLOSE ANY TRADE SECRETS.

WE HAVE, THEREFORE, CONCLUDED THAT THE FLORIDA MUTUAL AID
PLAN, EXCLUSIVE OF RESOURCE INFORMATION, SHOULD NOT BE EXEMPT
FROM THE PUBLIC RECORDS ACT, AS IT DOES NOT INCLUDE ANY

INFORMATION, OTHER THAN THE RESOURCE INFORMATION, OF SUCH A SENSITIVE NATURE TO REQUIRE EXEMPTION. WE RECOMMEND THAT THE EXEMPTION FOR THE PLAN, ITSELF, LAPSE AND THAT PRIOR PLANS, ALSO EXCLUSIVE OF RESOURCE INFORMATION, BE OPEN FOR PUBLIC INSPECTION.

WE HAVE LOOKED AT THE INVENTORY OF STATE AND LOCAL LAW ENFORCEMENT RESOURCES SEPERATELY AND IN A DIFFERENT LIGHT.

WE HAVE DETERMINED THAT THE INFORMATION CONTAINED IN THE RESOURCE INVENTORY CAN BE OBTAINED FROM THE INDIVIDUAL LAW ENFORCEMENT AGENCIES AROUND THE STATE IN COMPLIANCE WITH THE PUBLIC RECORDS ACT. HOWEVER, IN ORDER TO COMPILE THE DOCUMENT, IT WOULD NECESSITATE CONTACT WITH APPROXIMATELY 375 INDIVIDUAL AGENCIES. THE ARGUMENT THAT ANYONE COULD TAKE THIS SINGLE DOCUMENT AND KNOW THE STRENGTHS AND WEAKNESSES OF THE STATE LAW ENFORCEMENT EFFORT HAS MERIT. ALTHOUGH THERE IS ALTERNATIVE ACCESS TO THE INFORMATION, WE AGREE THAT THERE IS AN IMPORTANCE ATTRIBUTED TO THIS SIGNLE DOCUMENT, AND THERE WOULD BE GREAT DIFFICULTY COMPILING THE DOCUMENT THROUGH 375 CHANNELS.

RELEASE OF THE RESOURCE INVENTORY, WOULD NOT NECESSARILY HARM ANY INDIVIDUAL, AS THERE ARE NO HOME ADDRESSES, HOME TELEPHONE NUMBERS OR ANY INFORMATION THAT IS NOT OTHERWISE PROTECTED FROM PUBLIC RECORD, AND RELEASE WOULD, OBVIOUSLY, NOT DIVULGE ANY TRADE SECRETS, BUT DISCLOSURE OF THIS SINGLE SOURCE DOCUMENT, WHICH INCLUDES INFORMATION ON TROOP STRENGTH, SPECIALIZED TRAINING, ARMAMENTS AND RADIO FREQUENCIES, COULD, IF OBTAINED BY THE WRONG PEOPLE, HARMFULLY IMPAIR THE EFFECTIVENESS AND EFFICIENCY OF THE PROGRAM. THUS, MEETING ONE OF THE CRITERIA FOR EXEMPTION.

ADDITIONALLY, THE DEPARTMENT OF MILITARY AFFAIRS CONSIDERS THAT THE COMPREHENSIVE LISTING OF THEIR UNITS, THEIR PERSONNEL AND THEIR EQUIPMENT CONFIDENTIAL. THEREFORE, THE DISCLOSURE OF INVENTORY OF STATE AND LOCAL LAW ENFORCEMENT RESOURCES WOULD BREACH THE SECURITY TO WHICH THEY MUST ADHERE. THE OPEN GOVERNMENT SUNSET REVIEW ACT PROVIDES THAT NO EXEMPTION WHICH IS REQUIRED BY FEDERAL LAW SHALL BE SUBJECT TO REPEAL. WHILE THIS SPECIFIC EXEMPTION IS NOT REQUIRED BY FEDERAL LAW,

TROOP STRENGTH AND RESOURCES APPEAR TO CONSTITUTE CLASSIFIED
MILITARY INFORMATION UNDER THE FEDERAL DEFINITION.

THUS, WE HAVE FINALLY CONCLUDED THAT THE EXEMPTION
RELATING TO THE CONSOLIDATED INVENTORY OF STATE AND LOCAL LAW
ENFORCEMENT RESOURCES SHOULD BE CONTINUED AND THAT PRIOR
INVENTORY INFORMATION SHOULD ALSO REMAIN CLOSED. ADDITIONALLY,
WE CONCLUDE THAT ANY INFORMATION ABSTRACTED FROM THIS INVENTORY
WHICH IS INCLUDED IN THE FLORIDA MUTUAL AID PLAN, BOTH PAST AND
FUTURE, SHOULD REMAIN CONFIDENTIAL. WE HAVE MADE RECOMMENDATIONS
ACCORDINGLY.

I WOULD BE HAPPY TO ANSWER ANY QUESTIONS.

IF THERE ARE NO FURTHER QUESTIONS, WITH YOUR PERMISSION
MR. CHAIRMAN, STAFF WOULD LIKE YOU TO TAKE UP PCB 11 WHICH WOULD
SIMPLY IMPLEMENT THESE RECOMMENDATIONS.

STORAGE NAME: TS-Mutual Aid

19 1531

TALK SHEET - FLORIDA MUTUAL AID PLAN

AS YOU WILL RECALL, AT OUR JANUARY MEETING, COMMISSIONER DEMPSEY OF THE DEPARTMENT OF LAW ENFORCEMENT EXPRESSED CONCERN WITH OUR RECOMMENDATION TO REPEAL THE PUBLIC RECORDS EXEMPTION FOR THE FLORIDA MUTUAL AID PLAN AND TOLD YOU THAT CERTAIN INFORMATION HAD NOT BEEN PROVIDED TO THE COMMITTEE WHICH, HE FELT, WOULD ALTER OUR RECOMMENDATION.

At Rep Selman's suggestion

YOUR STAFF AND SENATE STAFF ^{had} MET WITH THE DEPARTMENT OF LAW ENFORCEMENT PERSONNEL TO REVIEW THIS INFORMATION.

TO REFRESH YOUR MEMORY, THE PREVIOUS REPORT CONCLUDED THAT THE COMPREHENSIVE INVENTORY OF STATE AND LOCAL LAW ENFORCEMENT RESOURCES SHOULD REMAIN CLOSED AND WE RECOMMENDED THAT TO YOU.

WE HAD, HOWEVER, FOUND NOTHING IN THE FLORIDA MUTUAL AID PLAN OF SUCH A SENSITIVE NATURE TO MEET ANY OF THE CRITERIA

ESTABLISHED BY LAW TO CONTINUE AN EXEMPTION FOR IT, AND HAD RECOMMENDED THE EXEMPTION BE REPEALED.

THE ADDITIONAL INFORMATION PROVIDED BY THE DEPARTMENT OF LAW ENFORCEMENT AND OUR DISCUSSIONS WITH THEM CENTERED AROUND THE APPENDICES TO THE FLORIDA MUTUAL AID PLAN AND THE REFERENCE MADE IN THE PLAN TO STATE AND LOCAL LAW ENFORCEMENT OPERATIONAL PLANS. A REVIEW OF THE APPENDICES SHOWED THAT THEY, IN FACT, DO INCLUDE MORE SPECIFIC INFORMATION AND REFERENCE ADDITIONAL DETAILED STATE AGENCY PLANS. A REVIEW OF SOME LOCAL LAW ENFORCEMENT PLANS ALSO REVEALS SENSITIVE INFORMATION SUCH AS STRATEGIES FOR CUTTING OFF INTERSECTIONS, WHAT AND WHEN SPECIFIC UNITS OF LAW ENFORCEMENT WILL BE MOBILIZED, STAGES OF MOBILIZATION, WHERE LAW ENFORCEMENT WILL BE HOUSED AND FED AND SO FORTH. (YOU'LL FIND A LENGTHY REVIEW OF THIS INFORMATION ON PAGES 18 AND 19 OF THE REVISED REPORT).

IT HAS BEEN SUCCESSFULLY ARGUED BY DLE AND STATE AND LOCAL LAW ENFORCEMENT AGENCIES THAT THE RELEASE OF THIS INFORMATION COULD SIGNIFICANTLY IMPAIR THE EFFECTIVENESS AND EFFICIENCY OF

LAW ENFORCEMENT OPERATIONS. THESE PLANS DO MEET THE CRITERIA ESTABLISHED BY LAW. IT HAS NOT, HOWEVER, BEEN SUCCESSFULLY ARGUED THAT THESE DOCUMENTS ARE, IN FACT, EXEMPT. THE DEPARTMENT OF LAW ENFORCEMENT CONTENDS THAT THE INDIVIDUAL PLANS ARE EXEMPT BECAUSE THEY ARE REFERENCED IN OR APPENDIXED TO THE FLORIDA MUTUAL AID PLAN, WHICH IS EXEMPT. A SURVEY OF LOCAL LAW ENFORCEMENT AGENCIES (REPORTED AT PAGES 21 AND 22 OF OUR SUNSET REVIEW) DISCLOSES THAT A MAJORITY OF THOSE AGENCIES RESPONDING TO OUR QUESTIONNAIRE THAT HAVE THESE PLANS, ALSO THINK THEIR PLANS ARE EXEMPT. BUT, THE COURTS HAVE RULED THAT, UNLESS SOMETHING IS EXPRESSLY EXEMPT IN THE STATUTES, IT IS OPEN TO THE PUBLIC.

THE INFORMATION IS SENSITIVE, BUT THERE IS A QUESTION WHETHER OR NOT IT IS PRESENTLY EXEMPT. STAFF HAS, THEREFORE, RECOMMENDED CREATING A SPECIFIC PUBLIC RECORDS EXEMPTION FOR ANY PLAN COMPILED BY A CRIMINAL JUSTICE AGENCY PERTAINING TO STRATEGIC OPERATIONS.

WE, AGAIN, RECOMMEND REPEALING THE EXEMPTION FOR THE GENERAL POLICY AND PROCEDURE, THE FLORIDA MUTUAL AID PLAN.

THE DEPARTMENT OF LAW ENFORCEMENT CONCURS IN STAFF
RECOMMENDATIONS, AND WE HAVE, THEREFORE, PREPARED PCB 11 FOR YOUR
CONSIDERATION. *Tab A*

PCB 11 REPEALS THE EXEMPTION FOR THE FLORIDA MUTUAL AID
PLAN. IT DOES NOT OPEN PRIOR RECORDS.

IT ESTABLISHES AN EXEMPTION IN CHAPTER 119 FOR ANY
COMPREHENSIVE INVENTORY OF STATE AND LOCAL LAW ENFORCEMENT
RESOURCES PREPARED PURSUANT TO THE FLORIDA MUTUAL AID ACT. AS
MENTIONED, IT ALSO EXEMPTS ANY COMPREHENSIVE POLICY OR PLAN
COMPILED BY A CRIMINAL JUSTICE AGENCY PERTAINING TO STRATEGIC
OPERATIONS.

THE TERMS "EMERGENCIES", AND "CRIMINAL JUSTICE AGENCY" ARE
DEFINED IN THE CURRENT LAW. COMMON CAUSE EXPRESSED ITS CONCERN
THAT PLANS BE REVIEWABLE AFTER THEY HAVE BEEN IMPLEMENTED SO THAT
SOMEONE COULD ASSESS THE SUCCESS OF AN OPERATION. IT WAS ARGUED
BY LAW ENFORCEMENT THAT OPENING A SUCCESSFUL OPERATIONAL PLAN TO
PUBLIC SCRUTINY COULD NEGATE ITS FUTURE EFFECTIVENESS. WE HAVE,

THEREFORE, IN ADDITION TO PERSONNEL AUTHORIZED BY LAW ENFORCEMENT PROVIDED ACCESS TO THE OFFICE OF THE GOVERNOR, DEPARTMENT OF LEGAL AFFAIRS, DEPARTMENT OF LAW ENFORCEMENT, AND THE DEPARTMENT OF COMMUNITY AFFAIRS. ACCESS BY THESE DEPARTMENTS COULD PROVIDE REVIEW WITHOUT OPENING THE PLAN TO PUBLIC SCRUTINY.