

Committee Substitute for Senate Bill No. 2496

An act relating to public records and public meetings; creating s. 288.982, F.S.; creating an exemption from public records requirements for specified records relating to military installations and military missions subject to the United States Department of Defense Base Realignment and Closure 2005 process and agreements and proposals to relocate or realign military units and missions which are held by the Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., or the Office of Tourism, Trade, and Economic Development; creating an exemption from public meetings requirements for meetings of the advisory council, or a committee or subcommittee of the advisory council, at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during meetings of the advisory council, or a committee or subcommittee of the advisory council or office, which are closed to the public; providing a penalty; providing for repeal of the act; providing access to confidential and exempt records upon repeal of the act; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 288.982, Florida Statutes, is created to read:

288.982 Exemptions from public records and meeting requirements; Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development; United States Department of Defense Base Realignment and Closure 2005 process.—

(1) The following records held by the Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., or the Office of Tourism, Trade, and Economic Development are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weakness of military installations or military missions in Florida relative to the selection criteria for the realignment and closure of military bases and missions under the United States Department of Defense Base Realignment and Closure 2005 process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense Base Realignment and Closure 2005 process and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's strategy to retain its military bases during the United States Department of Defense Base

Realignment and Closure 2005 process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Governor's Advisory Council on Base Realignment and Closure, or a committee or subcommittee of the advisory council, at which records are presented or discussed which are confidential and exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) Any records generated during those portions of meetings which are closed to the public under subsection (2), including, but not limited to, minutes, tape recording, videotapes, transcriptions, or notes, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) Any person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) On May 31, 2006, this section shall stand repealed, and the records made confidential and exempt shall be available for public inspection and copying.

Section 2. The Legislature finds that it is a public necessity that certain records containing military base realignment and closure information held by the Governor's Advisory Council on Base Realignment and Closure, Enterprise Florida, Inc., and the Office of Tourism, Trade, and Economic Development be made confidential and exempt from public disclosure. The Legislature finds that the national defense and the economic development of the state are greatly enhanced by the retention of growth of military installations and defense-related industries located in the state. The Legislature also finds that, given the size of the economic contribution of its military installations and defense-related industries, the state has a substantial financial interest in the retention of its military bases. Consequently, the Legislature finds that if such records were not held confidential and exempt from public disclosure then the State of Florida would be placed at a competitive disadvantage when competing to keep the state's military installations open and to promote the creation of more military installations within the state. The Legislature further finds that it is a public necessity to make confidential and exempt agreements and proposals to relocate or realign military units and missions from other states and territories and agreements and proposals to relocate or realign military units and missions within this state until the United States Department of Defense Base Realignment and Closure 2005 process concludes on April 15, 2006. If such records were not protected during the base realignment and closure process, the state would be at a disadvantage in competing for military units and missions. If such information is not made confidential and exempt, critical information regarding strategic plans with respect to base realignments and closure would be revealed, making it exceptionally difficult, if not impossible, for Florida to effectively compete against other states and territories whose records are not required to be open to the public. The exemption provided by this act allows Florida to effectively and efficiently advocate for

the retention of its military bases. Failure to protect such records would inhibit efforts by the Governor's Advisory Council on Base Realignment and Closure because other persons or states, the Federal Government, or other nations could be unwilling to share information if such information could be released. Without protecting such information, Florida would be on an unequal footing with other states and territories that are not required to disclose confidential and exempt information, and such a lack of confidentiality would operate to the economic detriment of the state. Similarly, the Legislature finds that the ability of the Governor's Advisory Council on Base Realignment and Closure to meet its obligations to protect all military bases and missions in Florida from closure or realignment will be impaired significantly if meetings or portions of meetings held by the advisory council, or a committee or subcommittee of the advisory council, at which records made confidential and exempt from public disclosure are discussed are not exempt from public meetings requirements. Failure to protect meetings or portions of meetings during which such confidential and exempt records are discussed would defeat the purpose of the public records exemption created by this act. Further, the Legislature finds that records generated during those portions of meetings that are closed, including the minutes, tape recordings, videotapes, transcriptions, or notes from such meetings, must be protected for the same reasons that justify the closing of those meetings.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 11, 2004.

Filed in Office Secretary of State May 11, 2004.