

House Bill No. 7125

An act relating to public records and public meetings; creating s. 288.985, F.S.; creating an exemption from public records requirements for specified records relating to military bases which are held by the Florida Council on Military Base and Mission Support; creating an exemption from public meetings requirements for council meetings at which exempt information is presented or discussed; creating an exemption from public records requirements for records generated during council meetings that are closed to the public; providing a penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 288.985, Florida Statutes, is created to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Council on Military Base and Mission Support are 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 weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure 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 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 any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida Council on Military Base and Mission Support, or a workgroup of the council, at which records are presented or discussed which are 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 recordings, videotapes, digital recordings, transcriptions, or

notes, are 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) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity for certain records relating to military base realignment and closure information held by the Florida Council on Military Base and Mission Support to be exempt from public disclosure. The Legislature finds that the national defense and the economic development of the state are greatly enhanced by the establishment of military installations and defense-related industries in this state. The Legislature also finds that, given the economic contribution of military installations and defense-related industries, the state has a substantial financial interest in the retention of its military bases. Consequently, if critical information relating to the strengths, weaknesses, or strategies concerning the location or retention of military bases in this state is revealed, it would be exceptionally difficult, if not impossible, for Florida to effectively compete against other states and territories whose records are not open to the public. Further, other persons or states, the Federal Government, or other nations would be unwilling to share information if such information could be released. Similarly, the Legislature finds that the ability of the state to protect military bases and missions in this state from realignment or closure or to attract new bases to this state will be impaired if meetings or portions of meetings held by the council, or a workgroup of the council, at which records made exempt from public disclosure are presented or discussed are not also exempt from public meetings requirements. Failure to protect meetings or portions of meetings during which such 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 which are closed to the public, including the minutes, tape recordings, videotapes, digital recordings, 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 July 1, 2009, if HB 7123 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 10, 2009.

Filed in Office Secretary of State June 10, 2009.