

## CHAPTER 2021-86

### Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 1069

An act relating to public records; amending s. 119.0712, F.S.; providing an exemption from public records requirements for certain information held by the Department of Military Affairs stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense; providing that certain information may be disclosed only in accordance with applicable federal and state laws; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (4) is added to section 119.0712, Florida Statutes, to read:

119.0712 Executive branch agency-specific exemptions from inspection or copying of public records.—

(4) DEPARTMENT OF MILITARY AFFAIRS.—Information held by the Department of Military Affairs that is stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense, pursuant to 10 U.S.C. s. 394, is exempt from s. 119.07(1) and s. 24(a) of Art. I of the State Constitution. Any information not made exempt by this subsection may be disclosed only after the department makes any redactions in accordance with applicable federal and state laws. This exemption applies to information made exempt by this subsection which is held by the department before, on, or after the effective date of the exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information held by the Department of Military Affairs and stored in a United States Department of Defense system of records, transmitted using a United States Department of Defense network or communications device, or pertaining to the United States Department of Defense, pursuant to 10 U.S.C. s. 394, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The disclosure of such sensitive military information within these systems such as information on military missions, units, personnel, deployments, and troop concentration could adversely affect military members and national security. For this reason it is

necessary that such sensitive military information held by the Department of Military Affairs be protected from disclosure to the same degree that is required under federal law. Therefore, the Legislature finds that it is a public necessity that such information be made exempt from public record requirements and that such exemption be applied retroactively.

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

Approved by the Governor June 11, 2021.

Filed in Office Secretary of State June 11, 2021.