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A bill to be entitled

An act relating to an exemption from public records and public meetings requirements; creating s. 288.982, F.S.; creating an exemption from public records requirements for specified materials 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, held by the Governor's Advisory Council on Base Realignment and Closure or the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; creating an exemption from public meetings requirements for meetings of the advisory council or office at which exempt documents or records are presented or discussed; creating an exemption from public records requirements for records generated during meetings of the advisory council or office that are closed to the public; providing access to exempt or confidential information under specified circumstances; providing a penalty; providing for 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 meetings requirements; Governor's Advisory Council on Base Realignment

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30 and Closure and the Office of Tourism, Trade, and Economic
 31 Development; United States Department of Defense Base
 32 Realignment and Closure 2005 process.--

33 (1) The following information held by the Governor's
 34 Advisory Council on Base Realignment and Closure or the Office
 35 of Tourism, Trade, and Economic Development within the Executive
 36 Office of the Governor is confidential and exempt from s. 24(a),
 37 Art. I of the State Constitution and s. 119.07(1):

38 (a) Materials that relate to strengths and weaknesses of
 39 military installations or military missions in Florida relative
 40 to the selection criteria for the realignment and closure of
 41 military bases and missions under the United States Department
 42 of Defense Base Realignment and Closure 2005 process, which
 43 concludes on April 15, 2006.

44 (b) Materials that relate to strengths and weaknesses of
 45 military installations or military missions in other states or
 46 territories and the vulnerability of such installations or
 47 missions to base realignment or closure under the United States
 48 Department of Defense Base Realignment and Closure 2005 process
 49 and any agreements or proposals to relocate or realign military
 50 units and missions from other states or territories.

51 (c) Materials that relate to the state's strategy to
 52 retain its military bases during the United States Department of
 53 Defense Base Realignment and Closure 2005 process and any
 54 agreements or proposals to relocate or realign military units
 55 and missions.

56 (2) Meetings or portions of meetings of the Governor's
 57 Advisory Council on Base Realignment and Closure or the Office
 58 of Tourism, Trade, and Economic Development, or a committee or

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59 subcommittee of the advisory council or office, at which
60 information is presented or discussed that is confidential or
61 exempt under subsection (1) is closed to the public and exempt
62 from s. 24(b), Art. I of the State Constitution and s. 286.011.

63 (3) Any records generated during those portions of
64 meetings that are closed to the public under subsection (2),
65 including, but not limited to, minutes, tape recordings,
66 videotapes, transcriptions, or notes, are confidential and
67 exempt from s. 24(a), Art. I of the State Constitution and s.
68 119.07(1).

69 (4) Public employees shall be permitted to inspect and
70 copy records or information made exempt and confidential under
71 this section solely for the necessary performance of their
72 public duties. Public employees receiving such records or
73 information made exempt and confidential under this section must
74 maintain the confidentiality and exempt status of the
75 information. A public employee receiving such exempt or
76 confidential information who violates this subsection commits a
77 misdemeanor of the first degree, punishable as provided in s.
78 775.082 or s. 775.083.

79 (5) This section shall be repealed on May 31, 2006, unless
80 reenacted by the Legislature.

81 Section 2. The Legislature finds that the national defense
82 and the economic development of the state are greatly enhanced
83 by the retention and growth of military installations and
84 defense-related industries located in the state. The Legislature
85 also finds that, given the size of the economic contribution of
86 its military installations and defense-related industries, the
87 state has a substantial financial interest in the retention of

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88 its military bases. Consequently, the Legislature finds that it
89 is a public necessity that certain materials and records held by
90 the Governor's Advisory Council on Base Realignment and Closure
91 or the Office of Tourism, Trade, and Economic Development within
92 the Executive Office of the Governor that contain information
93 relating to the realignment and closure of military bases and
94 missions under the United States Department of Defense Base
95 Realignment and Closure 2005 process be made confidential and
96 exempt from public disclosure. The Legislature further finds
97 that it is a public necessity to make exempt and confidential
98 agreements and proposals to relocate or realign military units
99 and missions from other states and territories and agreements
100 and proposals to relocate or realign military units and missions
101 within the state until the United States Department of Defense
102 Base Realignment and Closure 2005 process concludes on April 15,
103 2006. If such records were not protected during the base
104 realignment and closure process, the state would be at a
105 disadvantage in competing for military units and missions. If
106 such information is not made exempt, critical confidential
107 information regarding strategic plans with respect to base
108 realignment and closure would be revealed, making it
109 exceptionally difficult, if not impossible, for Florida to
110 effectively compete against other states and territories whose
111 records and meetings are not required to be open to the public.
112 The exemption provided by this act allows Florida to effectively
113 and efficiently advocate for the retention of its military
114 bases. Failure to protect such information would inhibit efforts
115 by the Governor's Advisory Council on Base Realignment and
116 Closure because other persons or states, the Federal Government,

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117 or other nations could be unwilling to share information if such
118 information could be released. Without protecting such
119 information, Florida would be on an unequal footing with other
120 states and territories that are not required to disclose
121 confidential and exempt information, and such a lack of
122 confidentiality would operate to the economic detriment of the
123 state. Similarly, the Legislature finds that the ability of the
124 Governor's Advisory Council on Base Realignment and Closure to
125 meet its obligations to protect all military bases and missions
126 in Florida from closure or realignment will be impaired
127 significantly if meetings or portions of meetings held by the
128 advisory council or the Office of Tourism, Trade, and Economic
129 Development at which the records and information made
130 confidential and exempt from public disclosure by this act are
131 discussed are not exempt from public meetings requirements.
132 Failure to protect meetings or portions of meetings during which
133 such confidential records and information are discussed would
134 defeat the exemption created by this act. Further, the
135 Legislature finds that records generated during those portions
136 of meetings that are closed, including the minutes, tape
137 recordings, videotapes, transcriptions, or notes from such
138 meetings, must be protected for the same reasons that justify
139 the closing of those meetings to the public.

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