

CHAMBER ACTION

1 The Committee on Commerce recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records and public meetings
7 exemptions; creating s. 288.982, F.S.; creating an
8 exemption from public records requirements for specified
9 records relating to military installations and military
10 missions subject to the United States Department of
11 Defense Base Realignment and Closure 2005 process, and
12 agreements and proposals to relocate or realign military
13 units and missions, held by the Governor's Advisory
14 Council on Base Realignment and Closure, Enterprise
15 Florida, Inc., or the Office of Tourism, Trade, and
16 Economic Development; creating an exemption from public
17 meetings requirements for meetings of the advisory
18 council, the office, or a committee or subcommittee of the
19 advisory council or office at which exempt records are
20 presented or discussed; creating an exemption from public
21 records requirements for records generated during meetings
22 of the advisory council, the office, or a committee or
23 subcommittee of the advisory council or office that are

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24 | closed to the public; providing a penalty; providing for
 25 | repeal of the act; providing access to confidential and
 26 | exempt records upon repeal of the act; providing a
 27 | statement of public necessity; providing an effective
 28 | date.

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

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

34 | 288.982 Exemptions from public records and meetings
 35 | requirements; Governor's Advisory Council on Base Realignment
 36 | and Closure, Enterprise Florida, Inc., and the Office of
 37 | Tourism, Trade, and Economic Development; United States
 38 | Department of Defense Base Realignment and Closure 2005
 39 | process.--

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

45 | (a) Records that relate to strengths and weaknesses of
 46 | military installations or military missions in Florida relative
 47 | to the selection criteria for the realignment and closure of
 48 | military bases and missions under the United States Department
 49 | of Defense Base Realignment and Closure 2005 process.

50 | (b) Records that relate to strengths and weaknesses of
 51 | military installations or military missions in other states or

52 territories and the vulnerability of such installations or
 53 missions to base realignment or closure under the United States
 54 Department of Defense Base Realignment and Closure 2005 process
 55 and any agreements or proposals to relocate or realign military
 56 units and missions from other states or territories.

57 (c) Records that relate to the state's strategy to retain
 58 its military bases during the United States Department of
 59 Defense Base Realignment and Closure 2005 process and any
 60 agreements or proposals to relocate or realign military units
 61 and missions.

62 (2) Meetings or portions of meetings of the Governor's
 63 Advisory Council on Base Realignment and Closure, the Office of
 64 Tourism, Trade, and Economic Development, or a committee or
 65 subcommittee of the advisory council or office at which records
 66 are presented or discussed that are confidential and exempt
 67 under subsection (1) are exempt from s. 286.011 and s. 24(b),
 68 Art. I of the State Constitution.

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

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

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

81 Section 2. The Legislature finds that it is a public
 82 necessity that certain records containing military base
 83 realignment and closure information held by the Governor's
 84 Advisory Council on Base Realignment and Closure, Enterprise
 85 Florida, Inc., and the Office of Tourism, Trade, and Economic
 86 Development be made confidential and exempt from public
 87 disclosure. The Legislature finds that national defense and the
 88 economic development of the state are greatly enhanced by the
 89 retention and growth of military installations and defense-
 90 related industries located in the state. The Legislature also
 91 finds that, given the size of the economic contribution of its
 92 military installations and defense-related industries, the state
 93 has a substantial financial interest in the retention of its
 94 military bases. Consequently, the Legislature finds that if such
 95 records were not held confidential and exempt from public
 96 disclosure, the State of Florida would be placed at a
 97 competitive disadvantage when competing to keep the state's
 98 military installations open and when promoting the creation of
 99 more military installations within the state. The Legislature
 100 further finds that it is a public necessity to make confidential
 101 and exempt agreements and proposals to relocate or realign
 102 military units and missions from other states and territories
 103 and agreements and proposals to relocate or realign military
 104 units and missions within the state until the United States
 105 Department of Defense Base Realignment and Closure 2005 process

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106 concludes on April 15, 2006. If such records were not protected
107 during the base realignment and closure process, the state would
108 be at a disadvantage in competing for military units and
109 missions. If such records are not made confidential and exempt,
110 critical information regarding strategic plans with respect to
111 base realignment and closure would be revealed, making it
112 exceptionally difficult, if not impossible, for Florida to
113 effectively compete against other states and territories whose
114 records are not required to be open to the public. The exemption
115 provided by this act allows Florida to effectively and
116 efficiently advocate for the retention of its military bases.
117 Failure to protect such records would inhibit efforts by the
118 Governor's Advisory Council on Base Realignment and Closure
119 because other persons or states, the Federal Government, or
120 other nations could be unwilling to share information if such
121 information could be released. Without protecting such records,
122 Florida would be on an unequal footing with other states and
123 territories that are not required to disclose confidential and
124 exempt records, and such a lack of confidentiality would operate
125 to the economic detriment of the state. Similarly, the
126 Legislature finds that the ability of the Governor's Advisory
127 Council on Base Realignment and Closure to meet its obligations
128 to protect all military bases and missions in Florida from
129 closure or realignment will be impaired significantly if
130 meetings or portions of meetings held by the advisory council,
131 the Office of Tourism, Trade, and Economic Development, or a
132 committee or subcommittee of the advisory council or office at
133 which records made confidential and exempt from public

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134 disclosure are discussed are not exempt from public meetings
135 requirements. Failure to protect meetings or portions of
136 meetings during which such confidential and exempt records are
137 discussed would defeat the purpose of the public records
138 exemption created by this act. Further, the Legislature finds
139 that records generated during those portions of meetings that
140 are closed, including the minutes, tape recordings, videotapes,
141 transcriptions, or notes from such meetings, must be protected
142 for the same reasons that justify the closing of those meetings.

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