

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

HB 1345 CS

2004
CS

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

29 |

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

31 |

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

34 | 288.982 Exemptions from public records and public 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) That portion of a record which relates to strengths
 46 | and weaknesses of military installations or military missions in
 47 | Florida relative to the selection criteria for the realignment
 48 | and closure of military bases and missions under the United
 49 | States Department of Defense Base Realignment and Closure 2005
 50 | process.

HB 1345 CS

2004
CS

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

59 (c) That portion of a record which relates to the state's
60 strategy to retain its military bases during the United States
61 Department of Defense Base Realignment and Closure 2005 process
62 and any agreements or proposals to relocate or realign military
63 units and missions.

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

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

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

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

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

HB 1345 CS

2004
CS

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

HB 1345 CS

2004
CS

135 | Failure to protect meetings or portions of meetings during which
136 | such confidential and exempt records are discussed would defeat
137 | the purpose of the public records exemption created by this act.
138 | Further, the Legislature finds that records generated during
139 | those portions of meetings that are closed, including the
140 | minutes, tape recordings, videotapes, transcriptions, or notes
141 | from such meetings, must be protected for the same reasons that
142 | justify the closing of those meetings.

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