

1 A bill to be entitled

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

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

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27 Section 1. Section 288.982, Florida Statutes, is created
28 to read:

29 288.982 Exemptions from public records and public meetings
30 requirements; Governor's Advisory Council on Base Realignment
31 and Closure, Enterprise Florida, Inc., and the Office of
32 Tourism, Trade, and Economic Development; United States
33 Department of Defense Base Realignment and Closure 2005
34 process.--

35 (1) The following records held by the Governor's Advisory
36 Council on Base Realignment and Closure, Enterprise Florida,
37 Inc., or the Office of Tourism, Trade, and Economic Development
38 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
39 I of the State Constitution:

40 (a) That portion of a record which relates to strengths
41 and weaknesses of military installations or military missions in
42 Florida relative to the selection criteria for the realignment
43 and closure of military bases and missions under the United
44 States Department of Defense Base Realignment and Closure 2005
45 process.

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

54 (c) That portion of a record which relates to the state's
55 strategy to retain its military bases during the United States
56 Department of Defense Base Realignment and Closure 2005 process

57 | and any agreements or proposals to relocate or realign military
58 | units and missions.

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

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

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

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

77 | Section 2. The Legislature finds that it is a public
78 | necessity that certain records containing military base
79 | realignment and closure information held by the Governor's
80 | Advisory Council on Base Realignment and Closure, Enterprise
81 | Florida, Inc., and the Office of Tourism, Trade, and Economic
82 | Development be made confidential and exempt from public
83 | disclosure. The Legislature finds that national defense and the
84 | economic development of the state are greatly enhanced by the

85 retention and growth of military installations and defense-
86 related industries located in the state. The Legislature also
87 finds that, given the size of the economic contribution of its
88 military installations and defense-related industries, the state
89 has a substantial financial interest in the retention of its
90 military bases. Consequently, the Legislature finds that if such
91 records were not held confidential and exempt from public
92 disclosure, the State of Florida would be placed at a
93 competitive disadvantage when competing to keep the state's
94 military installations open and when promoting the creation of
95 more military installations within the state. The Legislature
96 further finds that it is a public necessity to make confidential
97 and exempt agreements and proposals to relocate or realign
98 military units and missions from other states and territories
99 and agreements and proposals to relocate or realign military
100 units and missions within the state until the United States
101 Department of Defense Base Realignment and Closure 2005 process
102 concludes on April 15, 2006. If such records were not protected
103 during the base realignment and closure process, the state would
104 be at a disadvantage in competing for military units and
105 missions. If such records are not made confidential and exempt,
106 critical information regarding strategic plans with respect to
107 base realignment and closure would be revealed, making it
108 exceptionally difficult, if not impossible, for Florida to
109 effectively compete against other states and territories whose
110 records are not required to be open to the public. The exemption
111 provided by this act allows Florida to effectively and
112 efficiently advocate for the retention of its military bases.

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

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