



495912

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/26/2009	.	
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The Committee on Military Affairs and Domestic Security
(Oelrich) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 288.985, Florida Statutes, is created to
read:

288.985 Exemptions from public-records and public-meetings
requirements.-

(1) The following records held by the Florida Council on
Military Base and Mission Support are exempt from s. 119.07(1)
and s. 24(a), Art. I of the State Constitution:



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12 (a) That portion of a record which relates to strengths and
13 weaknesses of military installations or military missions in
14 this state relative to the selection criteria for the
15 realignment and closure of military bases and missions under any
16 United States Department of Defense base realignment and closure
17 process.

18 (b) That portion of a record which relates to strengths and
19 weaknesses of military installations or military missions in
20 other states or territories and the vulnerability of such
21 installations or missions to base realignment or closure under
22 the United States Department of Defense base realignment and
23 closure process, and any agreements or proposals to relocate or
24 realign military units and missions from other states or
25 territories.

26 (c) That portion of a record which relates to the state's
27 strategy to retain its military bases during any United States
28 Department of Defense base realignment and closure process and
29 any agreements or proposals to relocate or realign military
30 units and missions.

31 (2) Meetings or portions of meetings of the Florida Council
32 on Military Base and Mission Support, or a workgroup of the
33 council, at which records are presented or discussed which are
34 exempt under subsection (1) are exempt from s. 286.011 and s.
35 24(b), Art. I of the State Constitution.

36 (3) Any records generated during those portions of meetings
37 which are closed to the public under subsection (2), including,
38 but not limited to, minutes, tape recordings, videotapes,
39 digital recordings, transcriptions, or notes, are exempt under
40 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.



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

44 (5) This section is subject to the Open Government Sunset
45 Review Act in accordance with s. 119.15, and shall stand
46 repealed on October 2, 2014, unless reviewed and saved from
47 repeal through reenactment by the Legislature.

48 Section 2. The Legislature finds that it is a public
49 necessity for certain records relating to military base
50 realignment and closure information held by the Florida Council
51 on Military Base and Mission Support to be exempt from public
52 disclosure. The Legislature finds that the national defense and
53 the economic development of the state are greatly enhanced by
54 the establishment of military installations and defense-related
55 industries in this state. The Legislature also finds that, given
56 the economic contribution of military installations and defense-
57 related industries, the state has a substantial financial
58 interest in the retention of its military bases. Consequently,
59 if critical information relating to the strengths, weaknesses,
60 or strategies concerning the location or retention of military
61 bases in this state is revealed, it would be exceptionally
62 difficult, if not impossible, for Florida to effectively compete
63 against other states and territories whose records are not open
64 to the public. Further, other persons or states, the Federal
65 Government, or other nations would be unwilling to share
66 information if such information could be released. Similarly,
67 the Legislature finds that the ability of the state to protect
68 military bases and missions in this state from realignment or
69 closure or to attract new bases to this state will be impaired



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70 if meetings or portions of meetings held by the council, or a
71 workgroup of the council, at which records made exempt from
72 public disclosure are discussed are not also exempt from public-
73 meetings requirements. Failure to protect meetings or portions
74 of meetings during which such records are discussed would defeat
75 the purpose of the public-records exemption created by this act.
76 Further, the Legislature finds that records generated during
77 those portions of meetings which are closed, including the
78 minutes, tape recordings, videotapes, transcriptions, or notes
79 from such meetings, must be protected for the same reasons that
80 justify the closing of those meetings.

81 Section 3. This act shall take effect July 1, 2009, if SB
82 2322 or similar legislation is adopted in the same legislative
83 session or an extension thereof and becomes law.

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete everything before the enacting clause
88 and insert:

89 A bill to be entitled
90 An act relating to public records and public meetings;
91 creating s. 288.985, F.S.; creating an exemption from
92 public-records requirements for specified records
93 relating to military bases which are held by the
94 Florida Council on Military Base and Mission Support;
95 creating an exemption from public-meetings
96 requirements for council meetings at which exempt
97 information is presented or discussed; creating an
98 exemption from public-records requirements for records



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generated during council meetings that are closed to
the public; providing a penalty; providing for future
legislative review and repeal of the exemption;
providing a statement of public necessity; providing a
contingent effective date.