

By Senator Gaetz

4-01615-09

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1                   A bill to be entitled  
2           An act relating to public records and public meetings;  
3           creating s. 288.985, F.S.; creating an exemption from  
4           public-records requirements for specified records  
5           relating to military bases which are held by the  
6           Legislative Oversight Council on United States  
7           Department of Defense Base Realignment and Closure  
8           Activities; creating an exemption from public-meetings  
9           requirements for council meetings at which exempt  
10          information is presented or discussed; creating an  
11          exemption from public-records requirements for records  
12          generated during council meetings that are closed to  
13          the public; providing a penalty; providing for future  
14          legislative review and repeal of the exemption;  
15          providing a statement of public necessity; providing a  
16          contingent effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20           Section 1. Section 288.985, Florida Statutes, is created to  
21           read:

22           288.985 Exemptions from public-records and public-meetings  
23           requirements.—

24           (1) The following records held by the Legislative Oversight  
25           Council on United States Department of Defense Base Realignment  
26           and Closure Activities are exempt from s. 119.07(1) and s.  
27           24(a), Art. I of the State Constitution:

28           (a) That portion of a record which relates to strengths and  
29           weaknesses of military installations or military missions in

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30 this state relative to the selection criteria for the  
31 realignment and closure of military bases and missions under any  
32 United States Department of Defense base realignment and closure  
33 process.

34 (b) That portion of a record which relates to strengths and  
35 weaknesses of military installations or military missions in  
36 other states or territories and the vulnerability of such  
37 installations or missions to base realignment or closure under  
38 the United States Department of Defense base realignment and  
39 closure process, and any agreements or proposals to relocate or  
40 realign military units and missions from other states or  
41 territories.

42 (c) That portion of a record which relates to the state's  
43 strategy to retain its military bases during any United States  
44 Department of Defense base realignment and closure process and  
45 any agreements or proposals to relocate or realign military  
46 units and missions.

47 (2) Meetings or portions of meetings of the Legislative  
48 Oversight Council on United States Department of Defense Base  
49 Realignment and Closure Activities, or a committee or  
50 subcommittee of the council, at which records are presented or  
51 discussed which are exempt under subsection (1) are exempt from  
52 s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

58 (4) Any person who willfully and knowingly violates this

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59 section commits a misdemeanor of the first degree, punishable as  
60 provided in s. 775.082 or s. 775.083.

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

65 Section 2. The Legislature finds that it is a public  
66 necessity for certain records relating to military base  
67 realignment and closure information held by the Legislative  
68 Oversight Council on United States Department of Defense Base  
69 Realignment and Closure Activities to be exempt from public  
70 disclosure. The Legislature finds that the national defense and  
71 the economic development of the state are greatly enhanced by  
72 the establishment of military installations and defense-related  
73 industries in this state. The Legislature also finds that, given  
74 the economic contribution of military installations and defense-  
75 related industries, the state has a substantial financial  
76 interest in the retention of its military bases. Consequently,  
77 if critical information relating to the strengths, weaknesses,  
78 or strategies concerning the location or retention of military  
79 bases in this state is revealed, it would be exceptionally  
80 difficult, if not impossible, for Florida to effectively compete  
81 against other states and territories whose records are not open  
82 to the public. Further, other persons or states, the Federal  
83 Government, or other nations would be unwilling to share  
84 information if such information could be released. Similarly,  
85 the Legislature finds that the ability of the state to protect  
86 military bases and missions in this state from realignment or  
87 closure, or to attract new bases to this state will be impaired

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88 if meetings or portions of meetings held by the council, or a  
89 committee or subcommittee of the council, at which records made  
90 exempt from public disclosure are discussed are not also exempt  
91 from public-meetings requirements. Failure to protect meetings  
92 or portions of meetings during which such records are discussed  
93 would defeat the purpose of the public-records exemption created  
94 by this act. Further, the Legislature finds that records  
95 generated during those portions of meetings that are closed,  
96 including the minutes, tape recordings, videotapes,  
97 transcriptions, or notes from such meetings, must be protected  
98 for the same reasons that justify the closing of those meetings.

99 Section 3. This act shall take effect July 1, 2009, if SB  
100 \_\_\_\_ or similar legislation is adopted in the same legislative  
101 session or an extension thereof and becomes law.