

By the Committee on Military Affairs and Domestic Security; and
Senator Gaetz

583-03507-09

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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 Florida Council on Military Base and Mission Support;
7 creating an exemption from public-meetings
8 requirements for council meetings at which exempt
9 information is presented or discussed; creating an
10 exemption from public-records requirements for records
11 generated during council meetings that are closed to
12 the public; providing a penalty; providing for future
13 legislative review and repeal of the exemption;
14 providing a statement of public necessity; providing a
15 contingent effective date.

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

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

21 288.985 Exemptions from public-records and public-meetings
22 requirements.-

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

26 (a) That portion of a record which relates to strengths and
27 weaknesses of military installations or military missions in
28 this state relative to the selection criteria for the
29 realignment and closure of military bases and missions under any

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30 United States Department of Defense base realignment and closure
31 process.

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

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

45 (2) Meetings or portions of meetings of the Florida Council
46 on Military Base and Mission Support, or a workgroup of the
47 council, at which records are presented or discussed which are
48 exempt under subsection (1) are exempt from s. 286.011 and s.
49 24(b), Art. I of the State Constitution.

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

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

58 (5) This section is subject to the Open Government Sunset

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59 Review Act in accordance with s. 119.15, and shall stand
60 repealed on October 2, 2014, unless reviewed and saved from
61 repeal through reenactment by the Legislature.

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

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88 of meetings during which such records are discussed would defeat
89 the purpose of the public-records exemption created by this act.
90 Further, the Legislature finds that records generated during
91 those portions of meetings which are closed, including the
92 minutes, tape recordings, videotapes, transcriptions, or notes
93 from such meetings, must be protected for the same reasons that
94 justify the closing of those meetings.

95 Section 3. This act shall take effect July 1, 2009, if SB
96 2322 or similar legislation is adopted in the same legislative
97 session or an extension thereof and becomes law.