

ENROLLED
HB 7125

2009 Legislature

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

15
16 Be It Enacted by the Legislature of the State of Florida:

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

20 288.985 Exemptions from public records and public meetings
21 requirements.--

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

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

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

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

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

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

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

55 (4) Any person who willfully and knowingly violates this
56 section commits a misdemeanor of the first degree, punishable as

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57 provided in s. 775.082 or s. 775.083.

58 (5) This section is subject to the Open Government Sunset
59 Review Act in accordance with s. 119.15 and shall stand repealed
60 on October 2, 2014, unless reviewed and saved from repeal
61 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

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

96 Section 3. This act shall take effect July 1, 2009, if HB
97 7123 or similar legislation is adopted in the same legislative
98 session or an extension thereof and becomes law.