

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1069 (2021)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER

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1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Payne offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) is added to section 119.0712,  
7 Florida Statutes, to read:

8 119.0712 Executive branch agency-specific exemptions from  
9 inspection or copying of public records.—

10 (4) DEPARTMENT OF MILITARY AFFAIRS.—Information held by  
11 the Department of Military Affairs that is stored in a United  
12 States Department of Defense system of records, transmitted  
13 using a United States Department of Defense network or  
14 communications device, or pertaining to the United States  
15 Department of Defense, pursuant to 10 U.S.C. s. 394, is exempt  
16 from s. 119.07(1) and s. 24(a) of Art. I of the State

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17 Constitution. Any information not made exempt by this subsection  
18 may be disclosed only after the department makes any redactions  
19 in accordance with applicable federal and state laws. This  
20 exemption applies to information made exempt by this subsection  
21 which is held by the department before, on, or after the  
22 effective date of the exemption. This subsection is subject to  
23 the Open Government Sunset Review Act in accordance with s.  
24 119.15 and shall stand repealed on October 2, 2026, unless  
25 reviewed and saved from repeal through reenactment by the  
26 Legislature.

27 Section 2. The Legislature finds that it is a public  
28 necessity that information held by the Department of Military  
29 Affairs and stored in a United States Department of Defense  
30 system of records, transmitted using a United States Department  
31 of Defense network or communications device, or pertaining to  
32 the United States Department of Defense, pursuant to 10 U.S.C.  
33 s. 394, be made exempt from s. 119.07(1), Florida Statutes, and  
34 s. 24(a), Article I of the State Constitution. The disclosure of  
35 such sensitive military information within these systems such as  
36 information on military missions, units, personnel, deployments,  
37 and troop concentration could adversely affect military members  
38 and national security. For this reason it is necessary that such  
39 sensitive military information held by the Department of  
40 Military Affairs be protected from disclosure to the same degree  
41 that is required under federal law. Therefore, the Legislature

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42 finds that it is a public necessity that such information be  
43 made exempt from public record requirements and that such  
44 exemption be applied retroactively.

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

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48 **T I T L E A M E N D M E N T**

49 Remove everything before the enacting clause and insert:

50 An act relating to public records; amending s. 119.0712, F.S.;

51 providing an exemption from public records requirements for

52 certain information held by the Department of Military Affairs

53 stored in a United States Department of Defense system of

54 records, transmitted using a United States Department of Defense

55 network or communications device, or pertaining to the United

56 States Department of Defense; providing that certain information

57 may be disclosed only in accordance with applicable federal and

58 state laws; providing for retroactive application; providing for

59 future legislative review and repeal of the exemption; providing

60 a statement of public necessity; providing an effective date.