

1                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.0712, F.S.; providing an exemption from public  
 4           records requirements for certain records in the  
 5           custody of the Department of Military Affairs which  
 6           are protected from disclosure under specified federal  
 7           laws; providing that certain information may be  
 8           disclosed only in accordance with applicable federal  
 9           and state laws; providing for retroactive application;  
 10          providing for future legislative review and repeal of  
 11          the exemption; providing a statement of public  
 12          necessity; providing an effective date.

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

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

18           119.0712 Executive branch agency-specific exemptions from  
 19   inspection or copying of public records.—

20           (4) DEPARTMENT OF MILITARY AFFAIRS.—Records in the custody  
 21   of the Department of Military Affairs which contain information  
 22   that is protected from disclosure under the Freedom of  
 23   Information Act, 5 U.S.C. s. 552, and the Privacy Act of 1974, 5  
 24   U.S.C. s. 552a, are exempt from s. 119.07(1) and s. 24(a), Art.  
 25   I of the State Constitution. Any information not made exempt by

26 | this subsection may be disclosed only after the department makes  
27 | any redactions in accordance with the applicable federal and  
28 | state laws. This exemption applies to information made exempt by  
29 | this subsection which is held by the department before, on, or  
30 | after the effective date of the exemption. This subsection is  
31 | subject to the Open Government Sunset Review Act in accordance  
32 | with s. 119.15 and shall stand repealed on October 2, 2026,  
33 | unless reviewed and saved from repeal through reenactment by the  
34 | Legislature.

35 |       Section 2. The Legislature finds that it is a public  
36 | necessity that certain records in the custody of the Department  
37 | of Military Affairs which are protected from disclosure under  
38 | the Freedom of Information Act, 5 U.S.C. s. 552, and the Privacy  
39 | Act of 1974, 5 U.S.C. s. 552a, be made exempt from s. 119.07(1),  
40 | Florida Statutes, and s. 24(a), Article I of the State  
41 | Constitution. The disclosure of such information could adversely  
42 | affect national security and the safety of servicemembers and  
43 | their families. A servicemember's information should only be  
44 | disclosed by consent as provided in the Privacy Act of 1974. It  
45 | is necessary that such sensitive information in the custody of  
46 | the Department of Military Affairs be protected from disclosure  
47 | to the same degree that is required under federal law.  
48 | Therefore, the Legislature finds that it is a public necessity  
49 | that such information be made exempt from public records  
50 | requirements.

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