

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 information received
 5 or maintained by the Department of Military Affairs
 6 stored in a United States Department of Defense system
 7 of records, transmitted using a United States
 8 Department of Defense network or communications
 9 device, or pertaining to the United States Department
 10 of Defense; providing that certain information may be
 11 disclosed only in accordance with applicable federal
 12 and state laws; providing for retroactive application;
 13 providing for future legislative review and repeal of
 14 the exemption; providing a statement of public
 15 necessity; providing an 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. Subsection (4) is added to section 119.0712,
 20 Florida Statutes, to read:

21 119.0712 Executive branch agency-specific exemptions from
 22 inspection or copying of public records.—

23 (4) DEPARTMENT OF MILITARY AFFAIRS.—Information received
 24 or maintained by the Department of Military Affairs that is
 25 stored in a United States Department of Defense system of

26 | records, transmitted using a United States Department of Defense
27 | network or communications device, or pertaining to the United
28 | States Department of Defense, pursuant to 10 U.S.C. s. 394, is
29 | exempt from s. 119.07(1) and s. 24(a) of Art. I of the State
30 | Constitution. Any information not made exempt by this subsection
31 | may be disclosed only after the department makes any redactions
32 | in accordance with applicable federal and state laws. This
33 | exemption applies to information made exempt by this subsection
34 | which is held by the department before, on, or after the
35 | effective date of the exemption. This subsection is subject to
36 | the Open Government Sunset Review Act in accordance with s.
37 | 119.15 and shall stand repealed on October 2, 2026, unless
38 | reviewed and saved from repeal through reenactment by the
39 | Legislature.

40 | Section 2. The Legislature finds that it is a public
41 | necessity that certain information received or maintained by the
42 | Department of Military Affairs that is stored in a United States
43 | Department of Defense system of records, transmitted using a
44 | United States Department of Defense network or communications
45 | device, or pertaining to the United States Department of
46 | Defense, pursuant to 10 U.S.C. s. 394, be made exempt from s.
47 | 119.07(1), Florida Statutes, and s. 24(a), Article I of the
48 | State Constitution. The disclosure of such information could
49 | adversely affect national security and the safety of
50 | servicemembers and their families. A servicemember's information

51 should only be disclosed by consent as provided in the Privacy
52 Act of 1974. It is necessary that such sensitive information in
53 the custody of the Department of Military Affairs be protected
54 from disclosure to the same degree that is required under
55 federal law. Therefore, the Legislature finds that it is a
56 public necessity that such information be made exempt from
57 public records requirements.

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