

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 held by  
 5           the Department of Military Affairs stored in a United  
 6           States Department of Defense system of records,  
 7           transmitted using a United States Department of  
 8           Defense network or communications device, or  
 9           pertaining to the United States Department of Defense;  
 10          providing that certain information may be disclosed  
 11          only in accordance with applicable federal and state  
 12          laws; providing for retroactive application; providing  
 13          for future legislative review and repeal of the  
 14          exemption; providing a statement of public necessity;  
 15          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 held by  
 24   the Department of Military Affairs that is stored in a United  
 25   States Department of Defense system of records, transmitted

26 | using a United States Department of Defense network or  
27 | communications device, or pertaining to the United States  
28 | Department of Defense, pursuant to 10 U.S.C. s. 394, is exempt  
29 | 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37 | 119.15 and shall stand repealed on October 2, 2026, unless  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 information held by the Department of Military  
42 | Affairs and stored in a United States Department of Defense  
43 | system of records, transmitted using a United States Department  
44 | of Defense network or communications device, or pertaining to  
45 | the United States Department of Defense, pursuant to 10 U.S.C.  
46 | s. 394, be made exempt from s. 119.07(1), Florida Statutes, and  
47 | s. 24(a), Article I of the State Constitution. The disclosure of  
48 | such sensitive military information within these systems such as  
49 | information on military missions, units, personnel, deployments,  
50 | and troop concentration could adversely affect military members

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51 and national security. For this reason it is necessary that such  
52 sensitive military information held by the Department of  
53 Military Affairs be protected from disclosure to the same degree  
54 that is required under federal law. Therefore, the Legislature  
55 finds that it is a public necessity that such information be  
56 made exempt from public record requirements and that such  
57 exemption be applied retroactively.

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