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CS/CS/CS/HB 1069

2021 Legislature

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 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.

16
 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

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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37 | 119.15 and shall stand repealed on October 2, 2026, unless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.