

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Bradley

583-03588-21

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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       which is stored in a United States Department of  
7       Defense system of records, is transmitted using a  
8       United States Department of Defense network or  
9       communications device, or pertains to the United  
10      States Department of Defense; providing for  
11      retroactive application; providing for future  
12      legislative review and repeal of the exemption;  
13      providing a statement of public necessity; providing  
14      an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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

20       119.0712 Executive branch agency-specific exemptions from  
21       inspection or copying of public records.—

22       (4) DEPARTMENT OF MILITARY AFFAIRS.—Information received or  
23       maintained by the Department of Military Affairs which is stored  
24       in a United States Department of Defense system of records, is  
25       transmitted using a United States Department of Defense network  
26       or communications device, or pertains to the United States  
27       Department of Defense, pursuant to 10 U.S.C. s. 394, is exempt  
28       from s. 119.07(1) and s. 24(a), Art. I of the State  
29       Constitution. This exemption applies to information made exempt

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30 by this subsection which is held by the department before, on,  
31 or after the effective date of the exemption. This subsection is  
32 subject to the Open Government Sunset Review Act in accordance  
33 with s. 119.15 and shall stand repealed on October 2, 2026,  
34 unless reviewed and saved from repeal through reenactment by the  
35 Legislature.

36 Section 2. The Legislature finds that it is a public  
37 necessity that certain information received or maintained by the  
38 Department of Military Affairs which is stored in a United  
39 States Department of Defense system of records, is transmitted  
40 using a United States Department of Defense network or  
41 communications device, or pertains to the United States  
42 Department of Defense, pursuant to 10 U.S.C. s. 394, be made  
43 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
44 Article I of the State Constitution. The disclosure of such  
45 information could adversely affect national security and the  
46 safety of servicemembers and their families. A servicemember's  
47 information should only be disclosed by consent, as provided in  
48 the Privacy Act of 1974. It is necessary that such sensitive  
49 information in the custody of the Department of Military Affairs  
50 be protected from disclosure to the same degree required under  
51 federal law. Therefore, the Legislature finds that it is a  
52 public necessity that such information be made exempt from  
53 public records requirements.

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