

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

595-04501-21

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

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

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

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

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

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30 or 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32 with s. 119.15 and shall stand repealed on October 2, 2026,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 information held by the Department of
37 Military Affairs which is stored in a United States Department
38 of Defense system of records, is transmitted using a United
39 States Department of Defense network or communications device,
40 or pertains to the United States Department of Defense pursuant
41 to 10 U.S.C. s. 394 be made exempt from s. 119.07(1), Florida
42 Statutes, and s. 24(a), Article I of the State Constitution. The
43 disclosure of such information could adversely affect national
44 security and the safety of servicemembers and their families. A
45 servicemember's information should only be disclosed by consent,
46 as provided in the Privacy Act of 1974. It is necessary that
47 such sensitive information in the custody of the Department of
48 Military Affairs be protected from disclosure to the same degree
49 required under federal law. Therefore, the Legislature finds
50 that it is a public necessity that such information be made
51 exempt from public records requirements and that such exemption
52 should be applied retroactively.

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