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1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 creating s. 288.985, F.S.; creating an exemption from
 4 public records requirements for specified records relating
 5 to military bases which are held by the Florida Council on
 6 Military Base and Mission Support; creating an exemption
 7 from public meetings requirements for council meetings at
 8 which exempt information is presented or discussed;
 9 creating an exemption from public records requirements for
 10 records generated during council meetings that are closed
 11 to the public; providing a penalty; providing for future
 12 legislative review and repeal of the exemption; providing
 13 a statement of public necessity; providing a contingent
 14 effective date.

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

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 18 Section 1. Section 288.985, Florida Statutes, is created
 19 to read:

20 288.985 Exemptions from public records and public meetings
 21 requirements.--

22 (1) The following records held by the Florida Council on
 23 Military Base and Mission Support are exempt from s. 119.07(1)
 24 and s. 24(a), Art. I of the State Constitution:

25 (a) That portion of a record which relates to strengths
 26 and weaknesses of military installations or military missions in
 27 this state relative to the selection criteria for the
 28 realignment and closure of military bases and missions under any

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29 United States Department of Defense base realignment and closure
 30 process.

31 (b) That portion of a record which relates to strengths
 32 and weaknesses of military installations or military missions in
 33 other states or territories and the vulnerability of such
 34 installations or missions to base realignment or closure under
 35 the United States Department of Defense base realignment and
 36 closure process, and any agreements or proposals to relocate or
 37 realign military units and missions from other states or
 38 territories.

39 (c) That portion of a record which relates to the state's
 40 strategy to retain its military bases during any United States
 41 Department of Defense base realignment and closure process and
 42 any agreements or proposals to relocate or realign military
 43 units and missions.

44 (2) Meetings or portions of meetings of the Florida
 45 Council on Military Base and Mission Support, or a workgroup of
 46 the council, at which records are presented or discussed which
 47 are exempt under subsection (1) are exempt from s. 286.011 and
 48 s. 24(b), Art. I of the State Constitution.

49 (3) Any records generated during those portions of
 50 meetings which are closed to the public under subsection (2),
 51 including, but not limited to, minutes, tape recordings,
 52 videotapes, digital recordings, transcriptions, or notes, are
 53 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 54 Constitution.

55 (4) Any person who willfully and knowingly violates this
 56 section commits a misdemeanor of the first degree, punishable as

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57 provided in s. 775.082 or s. 775.083.

58 (5) This section is subject to the Open Government Sunset
 59 Review Act in accordance with s. 119.15 and shall stand repealed
 60 on October 2, 2014, unless reviewed and saved from repeal
 61 through reenactment by the Legislature.

62 Section 2. The Legislature finds that it is a public
 63 necessity for certain records relating to military base
 64 realignment and closure information held by the Florida Council
 65 on Military Base and Mission Support to be exempt from public
 66 disclosure. The Legislature finds that the national defense and
 67 the economic development of the state are greatly enhanced by
 68 the establishment of military installations and defense-related
 69 industries in this state. The Legislature also finds that, given
 70 the economic contribution of military installations and defense-
 71 related industries, the state has a substantial financial
 72 interest in the retention of its military bases. Consequently,
 73 if critical information relating to the strengths, weaknesses,
 74 or strategies concerning the location or retention of military
 75 bases in this state is revealed, it would be exceptionally
 76 difficult, if not impossible, for Florida to effectively compete
 77 against other states and territories whose records are not open
 78 to the public. Further, other persons or states, the Federal
 79 Government, or other nations would be unwilling to share
 80 information if such information could be released. Similarly,
 81 the Legislature finds that the ability of the state to protect
 82 military bases and missions in this state from realignment or
 83 closure or to attract new bases to this state will be impaired
 84 if meetings or portions of meetings held by the council, or a

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85 workgroup of the council, at which records made exempt from
 86 public disclosure are presented or discussed are not also exempt
 87 from public meetings requirements. Failure to protect meetings
 88 or portions of meetings during which such records are discussed
 89 would defeat the purpose of the public records exemption created
 90 by this act. Further, the Legislature finds that records
 91 generated during those portions of meetings which are closed to
 92 the public, including the minutes, tape recordings, videotapes,
 93 digital recordings, transcriptions, or notes from such meetings,
 94 must be protected for the same reasons that justify the closing
 95 of those meetings.

96 Section 3. This act shall take effect July 1, 2009, if HB
 97 _____ or similar legislation is adopted in the same legislative
 98 session or an extension thereof and becomes law.