

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/SB 180 — Trade Secrets

by Commerce and Tourism Committee and Senator Richter

The bill (Chapter 2016-5, L.O.F.) expands the definition of the term “trade secret,” as provided in s. 812.081, F.S., to expressly include financial information.

An individual who steals, copies without authorization, or misappropriates financial information which meets the criteria of a trade secret is guilty of a third degree felony under s. 812.081, F.S.

These provisions were approved by the Governor and take effect on October 1, 2016.

Vote: Senate 34-0; House 116-3

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 182 — Public Records and Meetings/Trade Secrets

by Governmental Oversight and Accountability Committee; Commerce and Tourism Committee; and Senator Richter

The bill (Chapter 2016-6, L.O.F.) reenacts several public records exemptions of trade secret information to conform to the s. 812.081, F.S., definition of “trade secret,” which was amended by CS/SB 180 to expressly include financial information. These exemptions protect financial information deemed to be trade secrets from public disclosure.

The bill provides that the public record exemptions are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a public necessity statement as required by the Florida Constitution.

These provisions were approved by the Governor and take effect on October 1, 2016.

Vote: Senate 35-0; House 111-7

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/HB 739 — Secondhand Dealers

by Judiciary Committee; Criminal Justice Subcommittee; and Reps. Passidomo and others (CS/CS/CS/SB 948 by Rules Committee; Fiscal Policy Committee; Commerce and Tourism Committee; and Senator Richter)

The bill (Chapter 2016-59, L.O.F.) revises the laws that govern transactions by secondhand dealers. The bill:

- Amends the definition of “secondhand goods” to include gift cards and credit memos;
- Defines the term “automated kiosk”;
- Enlarges the definition of “secondhand dealer” to include any secondhand dealer who is engaged in the business of purchasing secondhand goods by means of an automated kiosk;
- Requires secondhand dealers to maintain digital photos of the goods they acquire;
- Provides recordkeeping requirements for goods procured by a secondhand dealer at an automated kiosk;
- Extends the time period for which a secondhand dealer must hold certain items from 15 to 30 days from initial acquisition, and requires any item procured at an automated kiosk to be held for 30 days;
- Subjects secondhand dealers to noncriminal penalties, punishable by a fine of up to \$2,500; and
- Allows a secondhand good to be kept at a location outside of the jurisdiction of the appropriate law enforcement agency if there is an agreement between the law enforcement official and the secondhand dealer, and if the secondhand dealer can deliver the good to appropriate law enforcement within 2 days of a request.

These provisions were approved by the Governor and take effect on July 1, 2016.

Vote: Senate 40-0; House 115-0

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CS/SB 754 — Public Records/Department of Agriculture and Consumer Services Criminal or Civil Intelligence or Investigative Information

by Commerce and Tourism and Senator Richter

The bill creates a new public records exemption for the Department of Agriculture and Consumer Services (DACS). The exemption provides that criminal or civil intelligence, investigative information, or any other information held by the DACS as part of a joint or multiagency examination with another state or federal agency will be confidential and exempt from public disclosure.

This exemption does not apply to information held by the DACS that would otherwise be available for public inspection if the DACS performed an independent investigation.

The public records exemption created by this bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law if SB 772 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Vote: Senate 40-0; House 116-0

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Committee on Commerce and Tourism

CS/CS/SB 772 — Regulated Service Providers

by Appropriations Committee; Commerce and Tourism Committee; and Senator Richter

The bill modifies provisions in several areas regulated by the Department of Agriculture and Consumer Services (DACS), including:

- Eliminating the requirement that the Board of Professional Surveyors and Mappers have at least one member who is a photogrammetrist;
- Implementing license fee waivers for veterans, their spouses, and their businesses;
- De-regulating personal trainers from the Department of Agriculture and Consumer Services' oversight;
- Clarifying requirements for owners of devices used for weights or measurements that are subject to a commercial-use permit under ch. 527, F.S., updating the commercial-use permit's license cycle, and simplifying commercial-use permit fees;
- Modernizing the Florida Sellers of Travel Act and deregulating same-day tour guide or sightseeing services;
- Allowing amusement ride operators to provide their own inspection form, and exempting specific rides from inspection requirements;
- Implementing fingerprint retention in ch. 493, F.S. (Private Security, Private Investigators, and Recovery Specialists), licensing processes;
- Implementing a live-fire requirement for concealed weapon or firearm licensure;
- Streamlining renewal of concealed weapon or firearm licenses by allowing a sworn statement, rather than a notarized affidavit, of a licensee's continued eligibility for licensure;
- Allowing personal service or notice by certified mail, or in the case of non-delivery, by U.S. mail or e-mail, to constitute effective service of notice of suspension or revocation of an individual's concealed weapon or firearm license;
- Allowing qualified tax collectors to print and deliver renewal concealed weapon or firearm licenses;
- Reducing application fees for concealed weapon or firearm licenses;
- In actions relating to the enforcement of a lien on a vehicle by a motor vehicle repair shop, allowing parties other than the consumer who authorized repairs to the motor vehicle to assert their right to the vehicle through either a bond process or a hearing in circuit court; and
- Requiring the DACS to establish standards and processes for approval of student tour operators, and mandating that the Department of Education publish a list of the approved student tour operators.

If approved by the Governor, these provisions take effect July 1, 2016, unless otherwise expressly provided in the bill.

Vote: Senate 40-0; House 117-0

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CS/SB 7040 — Workforce Development

by Fiscal Policy Committee and Commerce and Tourism Committee

The bill modifies Florida's current program for workforce services in order to implement the Federal Workforce Innovation and Opportunity Act of 2014. The bill provides membership guidelines for the board of directors of CareerSource Florida, Inc., and the local workforce development boards. The bill requires the state workforce development plan to be based on a 4-year strategic and operational plan.

The bill requires the Florida Department of Education and CareerSource Florida, Inc., to enter into a memorandum of understanding to ensure the state plan is in compliance with federal law. One-stop delivery partners and local workforce development boards are also required to enter into a memorandum of understanding regarding infrastructure cost-sharing.

The bill also clarifies that active duty employment protections apply to National Guard members of any state.

If approved by the Governor, these provisions take effect July 1, 2016.

Vote: Senate 37-0; House 115-0