

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1282

INTRODUCER: Senator Collins

SUBJECT: Public Records/Veterans Florida Opportunity Program

DATE: March 25, 2025      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Ingram  | Proctor        | MS        | <b>Favorable</b> |
| 2. |         |                | AHS       |                  |
| 3. |         |                | AP        |                  |

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**I. Summary:**

SB 1282, which is linked to the passage of SB 1280 (2025), amends s. 295.22, F.S., to exempt from public records specified materials and information from private enterprises, state agencies, servicemembers, trainees, and other entities which are received, generated, ascertained, or discovered by Florida is For Veterans, Inc., while administering the Veterans Employment and Training Services (VETS) Program, which is renamed the Veterans Florida Opportunity Program contingent on the passage of SB 1280 (2025).

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2030, unless saved from repeal through reenactment by the Legislature.

The bill contains a statement of public necessity as required by the State Constitution.

The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill will become effective on the same date that SB 1280 (2025) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

## II. Present Situation:

### Access to Public Records - Generally

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

### Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>6</sup>

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2022-2024).

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4<sup>th</sup> DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>9</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>11</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>16</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> The Act requires the repeal of

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<sup>7</sup> Section 119.07(1)(a), F.S.

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

<sup>10</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>11</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>12</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>14</sup> *Id.*

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

such exemption on October 2 of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption, and it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are again required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>26</sup>

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<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?  
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

## Trade Secrets

In accordance with s. 119.0715, F.S., a trade secret<sup>27</sup> held by an agency is confidential and exempt from s. 119.07(1), F.S., and Article I, s. 24(a) of the State Constitution. An agency may disclose a trade secret to an officer or employee of another agency or governmental entity whose use of the trade secret is within the scope of his or her lawful duties and responsibilities. An agency employee who, while acting in good faith and in the performance of his or her duties, releases a record containing a trade secret pursuant to Ch. 119, F.S., is not liable, civilly or criminally, for such release.

## Florida is For Veterans, Inc.

Florida is for Veterans, Inc., (Veterans Florida) is a nonprofit corporation within the Florida Department of Veterans Affairs (FDVA), created to promote Florida as a veteran-friendly state.<sup>28</sup> Veterans Florida encourages and assists retired and recently separated military personnel to keep or make Florida their permanent residence.<sup>29</sup> Veterans Florida also assists veterans and their spouses with employment opportunities and encourages the hiring of veterans and their spouses by the business community which lends to its mission in assisting veterans fully transition to civilian life.<sup>30</sup> Veterans Florida has many duties, including, but not limited to:

- Conducting marketing, awareness, and outreach activities toward its target market.<sup>31</sup>
- Promoting and enhancing the value of military skill sets to businesses.
- Implementing and administering the Veterans Employment and Training Services program and administering other relevant programs.
- Managing all funds received in a responsible and prudent manner and ensuring that the use of such funds conforms to all applicable laws, bylaws, or contractual requirements.<sup>32</sup>

## Veteran Employment and Training Services (VETS) Program

Created within the FDVA, the VETS program assists in connecting servicemembers, veterans, or their spouses in search of employment with businesses seeking to hire dedicated, well-trained workers and with opportunities for entrepreneurship education, training, and resources.<sup>33</sup> The purpose of the VETS program is to meet the workforce demands of businesses in the state by facilitating access to training and education in high-demand fields and to inspire the growth of veteran owned small businesses.<sup>34</sup> In accordance with its duties under s. 252.21(3), F.S.,

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<sup>27</sup> Section 688.002, F.S., defines “trade secret” to mean information, including a formula, pattern, compilation, program, device, method, technique, or process that: derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

<sup>28</sup> Ch. 2014-1, s. 12, Laws of Fla. See s. 295.21(1) and (2), F.S.

<sup>29</sup> Dep’t of Veterans’ Affairs, *Florida is for Veterans, Inc., Brands as Veterans Florida*, available at <https://floridavets.org/florida-is-for-veterans-inc-brands-as-veterans-florida/> (last visited March 23, 2025).

<sup>30</sup> Section 295.21(2), F.S.

<sup>31</sup> Section 295.21(3)(a), F.S., defines “target market” to mean servicemembers of the United States Armed Forces who have 24 months or less until discharge, veterans with 36 months or less since discharge, and members of the Florida National Guard or reserves. The term includes spouses of such individuals, and surviving spouses of such individuals who have not remarried.

<sup>32</sup> Section 295.21(3), F.S., identifies all of the duties required of Veterans Florida.

<sup>33</sup> Section 295.22(3), F.S.

<sup>34</sup> *Id.*

Veterans Florida administers the VETS program and performs many functions including, but not limited to:

- Conducting marketing and recruiting efforts.
- Assisting individuals in the target market<sup>35</sup> who reside in or relocate to Florida and who seek employment with the target industry or secondary target industry business.
- Offering skills assessments and assisting in establishing employment goals.
- Assisting Florida target industry and secondary industry businesses in recruiting and hiring individuals in the target market. Veterans Florida provides services to Florida businesses to meet their hiring needs by connecting businesses with suitable applicants for employment. Suitable applicants include veterans or veterans' spouses who have appropriate job skills or may need additional training to meet the specific needs of a business.
- Providing information about the state and federal benefits of hiring veterans.
- Creating a grant program to provide funding to assist individuals in the target market in meeting the workforce-skill needs of target industry and secondary industry businesses seeking to hire, promote, or generally improve specialized skills of veterans, establish criteria for approval of requests for funding, and maximize the use of funding for this program.
- Contracting with entities to administer an entrepreneur initiative program for individuals in the target market in Florida which connects business leaders in the state with such individuals seeking to become entrepreneurs.
- Administering a SkillBridge<sup>36</sup> initiative for target industry and secondary industry businesses in this state and for eligible individuals in the target market who reside in, or who wish to reside in, this state.<sup>37</sup>

Under the VETS program, Veterans Florida may assist state agencies and entities with recruiting veteran talent into their workforces.<sup>38</sup> Veterans Florida may collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives.<sup>39</sup> Veterans Florida may also collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives that include, but are not limited to, the VETS program and those within any of the following:

- The Department of Veterans' Affairs:
  - Access to benefits and assistance programs.
  - Hope Navigators Program.
- The Department of Commerce:
  - The Disabled Veteran Outreach Program and local veteran employment representatives.
  - CareerSource Florida, Inc., and local workforce boards employment and recruitment services.
  - The Quick-Response Training Program.
  - Efforts of the Florida Defense Support Task Force, replaced by a Department of Commerce direct-support organization in 2024, under s. 288.987, F.S.,<sup>40</sup> the Florida

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<sup>35</sup> *Id.*

<sup>36</sup> See U.S. Dep't of Defense, DOD SkillBridge, Program Overview-What is SkillBridge, available at <https://skillbridge.osd.mil/program-overview.htm> (last visited March 23, 2025).

<sup>37</sup> Section 295.22(4), F.S.

<sup>38</sup> Section 295.22(5), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Ch. 2024-234, Laws of Fla.

- Small Business Development Center Network, and the direct support organization established in s. 288.012(6), F.S.
- The Department of Business and Professional Regulation, reciprocity and the availability of certain license and fee waivers.
  - The Department of Education:
    - CAPE industry certifications under s. 1008.44, F.S.
    - Information related to earning postsecondary credit at public postsecondary educational institutions for college-level training and education acquired in the military under s. 1004.096, F.S.
  - The Department of Health:
    - The Office of Veteran Licensure Services.
    - The Florida Veterans Application for Licensure Online Response expedited licensing.
  - The Office of Reimagining Education and Career Help.

## **SB 1280 Veterans (2025)**

### ***Employment and Training Services***

SB 1280 (2025), to which this bill is linked, renames the VETS program as the Veterans Florida Opportunity Program. SB 1280 revises additional provisions regarding the VETS program including grant reimbursement limitations and training cost determinations. SB 1280 also authorizes grant funds to be used as educational stipends for certain trainees at any location in this state of the University of Florida Institute of Food and Agricultural Sciences and requires Veterans Florida and the University of Florida to enter into an agreement before grant funds are expended.

### **Job Applicants and Trainees**

#### ***State of Florida***

As a business arm of Florida government, the Department of Management Services' primary mission is to support other state agencies as well as current and former state employees with workforce and business-related functions.<sup>41</sup> Workforce operations, one of DMS' service areas, is charged with managing the state personnel system, which includes People First.<sup>42</sup> People First is the state's online, self-service platform that supplies the public-facing job site.<sup>43</sup> Job applicants with the state are informed that all information provided will be a public record. Such information is released upon request unless exempt or confidential.<sup>44</sup> Those persons exempt from public records disclosure include current or former law enforcement officers, other covered employees including, but are not limited to correctional and correctional probation officers, firefighters, certain judges, assistant state attorneys, state attorneys, assistant and statewide

<sup>41</sup> Dep't of Management Services, *About Us*, available at [https://www.dms.myflorida.com/about\\_us](https://www.dms.myflorida.com/about_us) (last visited March 21, 2025).

<sup>42</sup> Dep't of Management Services, *Workforce Operations*, available at [https://www.dms.myflorida.com/workforce\\_operations](https://www.dms.myflorida.com/workforce_operations) (last visited March 21, 2025).

<sup>43</sup> Dep't of Management Services, *People First*, available at [https://www.dms.myflorida.com/workforce\\_operations/people\\_first](https://www.dms.myflorida.com/workforce_operations/people_first) (last visited March 21, 2025).

<sup>44</sup> People First-Florida Jobs, *State of Florida Job Application*, available at [https://www.floridajobs.org/docs/default-source/division-of-finance-and-administration/forms/personnel/stateemploymentapp.pdf?sfvrsn=643d56b0\\_2](https://www.floridajobs.org/docs/default-source/division-of-finance-and-administration/forms/personnel/stateemploymentapp.pdf?sfvrsn=643d56b0_2) (March 21, 2025).

prosecutors, personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement, and certain investigators in the Department of Children and Families, or the spouse or child of one, whose information is exempt from public records disclosure under s. 119.071(4)(d), F.S.

***CareerSource Florida, Inc. (CareerSource Florida)***

CareerSource Florida collaborates with the Florida Department of Commerce to connect Florida job seekers with employment and career development opportunities to achieve economic success, and employers with competent, skilled talent.<sup>45</sup> CareerSource is composed of 21 local development boards offering resources and programs across the state.<sup>46</sup>

CareerSource Capital Region, a local development board, uses Employ Florida as a one-stop resource for career seekers looking for a job, education or training opportunities or who are in need of assistance with benefits or resume and letter building.<sup>47</sup> To connect to Employ Florida's resources, an individual may register on Employ Florida's website.<sup>48</sup> The registrant must agree to the privacy agreement which specifies that the information provided by the individual via the website is subject to public disclosure unless expressly exempt under state or federal law.<sup>49</sup> The privacy agreement also specifies that the registrant understands and agrees to being responsible for personal information that he or she submits to an employer.<sup>50</sup>

The Legislature found that public policy dictates that CareerSource Florida operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declared that CareerSource Florida, its board, councils, and any advisory committees or similar groups created by CareerSource Florida are subject to the provisions of chapter 119, F.S., relating to public records, and those provisions of chapter 286, F.S., relating to public meetings.<sup>51</sup>

However, most, if not all, of the personal identifiable information of those seeking assistance through CareerSource Florida is protected by various laws, depending on the program they are being served under. For example:

- Temporary cash assistance programs.<sup>52</sup>
- Reemployment assistance programs.<sup>53</sup>
- Public assistance programs.<sup>54</sup>

<sup>45</sup> Dep't of Commerce, *2024 Annual Report*, available at [https://floridajobs.org/docs/default-source/division-of-strategic-business-development/annual-report-2023-24-final.pdf?sfvrsn=c0d322b0\\_1](https://floridajobs.org/docs/default-source/division-of-strategic-business-development/annual-report-2023-24-final.pdf?sfvrsn=c0d322b0_1) (last visited March 21, 2025).

<sup>46</sup> *Id.* at 4.

<sup>47</sup> Career Source Capital Region, *Career Seekers – Employ Florida*, available at <https://www.careersourcecapitalregion.com/job-seekers/efm> (last visited March 21, 2025).

<sup>48</sup> Employ Florida, *Sign In/Register*, available at <https://www.employflorida.com/vosnet/LoginIntro2.aspx?enc=vLa15KtdCzQOMP6jrcRdlQ==> (last visited March 21, 2025).

<sup>49</sup> Employ Florida, *Sign In/Register*, available at <https://www.employflorida.com/vosnet/privacy/privacyagreement.aspx?rt=n&strAgreementLang=E&plang=E&action=&newregistration=1> (last visited March 21, 2025).

<sup>50</sup> *Id.*

<sup>51</sup> Section 445.004(1), F.S.

<sup>52</sup> Section 414.295(1), F.S.

<sup>53</sup> Section 443.1715(1), F.S.

<sup>54</sup> Fla. Admin. Code R. 65A-1.



- Supplemental Nutrition Assistance Program.<sup>55</sup>
- Federal-State Unemployment Compensation program.<sup>56</sup>
- Workforce Innovation and Opportunity Act equal opportunity data and other information by recipients of WIOA funds.<sup>57</sup>
- Public welfare requirements.<sup>58</sup>

### **Freedom of Information Act (FOIA)<sup>59</sup>**

To provide the public with a right of access to federal government records, Congress passed the FOIA in 1966. In accordance with the FOIA, the public has the right to request access to records of the Executive Branch of government and agencies in turn are required to provide copies of those records to the requester except to the extent that any records, or portions of records, contain information that is protected from mandatory disclosure. Certain information contained within those records that would, for example, invade a person's personal privacy, reveal confidential commercial information, impede law enforcement, or reveal privileged communications was protected from mandatory disclosure by Congress. The FOIA also requires agencies to proactively post online certain types of records, including those that have been frequently requested.<sup>60</sup>

On June 30, 2016, President Obama signed into law the FOIA Improvement Act of 2016,<sup>61</sup> which contained substantive and procedural amendments to the FOIA and new reporting requirements for agencies. The FOIA does not provide access to records held by Congress, the federal courts, advisory offices of the President, state or local government agencies, or by private businesses or individuals because it applies only to records of the Executive Branch of the federal government. All states have their own statutes governing public access to state and local government records.<sup>62</sup>

Information that is released to the public from federal records depends on whether a person requests information that FOIA allows to be released or if a person or their next of kin authorizes its release. The government can only release limited information from official military personnel files without authorization of the servicemember or his or her next of kin after the servicemember's death. Such information that can be released includes:

- Name and photograph.
- Dates and branch of service.
- Duty status and rank.
- Duty assignments.
- Military education, awards and decorations.
- Transcripts of courts-martial trials.

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<sup>55</sup> 7 CFR 272.1(c).

<sup>56</sup> 20 CFR Part 603.

<sup>57</sup> 29 CFR s. 38.41.

<sup>58</sup> 45 CFR s. 205.50.

<sup>59</sup> Freedom of Information Act (FOIA), 5 U.S.C. s. 552.

<sup>60</sup> U.S. Department of Justice, *About the FOIA*, available at <https://www.justice.gov/oip/about-foia> (last visited March 23, 2025).

<sup>61</sup> Public Law No. 114-185.

<sup>62</sup> U.S. Department of Justice, *supra* note 60.

- Home of record (identification of state only).<sup>63</sup>

### III. Effect of Proposed Changes:

The bill amends s. 295.22 F.S., to create a public records exemption making confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, workforce training plans, business transactions, business plans, military records, skills assessments and career goals, resumes and contact information, certificates, financial and proprietary information, and agreements or proposals to receive funding which are received, generated, ascertained, or discovered by Veterans Florida, Inc., including partnership and training participants, such as private enterprises, educational institutions, and other organizations, for the purposes of the administration of the Veterans Florida Opportunity Program.<sup>64</sup>

The bill provides that aggregated data with no personal identifying information for reporting purposes is not exempt.

The exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides the constitutionally required public necessity statement that the information pertaining to an individual or organization that seeks assistance, services, or training under the administration provisions of the Veterans Florida Opportunity program<sup>65</sup> be made confidential and exempt. The statement provides that making information, such as resumes of job seekers, entrepreneurship business plans, and employer workforce training plans and curricula, publicly available exposes those individuals and organizations to risk of loss of personal privacy and theft of confidential business information. The bill further provides that without the public records exemption, the state would be unable to effectively and efficiently implement and administer the Veterans Florida Opportunity program.

The bill takes effect on the same date that SB 1280 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 1280 takes effect July 1, 2025.

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<sup>63</sup> Military One Source, *Financial & Legal, Legal, Service Member Privacy vs. Public Access to Information*, available at <https://www.militaryonesource.mil/financial-legal/legal/service-member-privacy-versus-public-access-to-information/> (last visited March 23, 2025).

<sup>64</sup> Section 295.22(4), F.S., provides for the administration of the Veterans Employment and Training Services Program, renamed as the Veterans Florida Opportunity Program which is contingent on the passage of SB 1280 (2025).

<sup>65</sup> Section 295.22(4), F.S.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

##### B. Public Records/Open Meetings Issues:

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure requirements.

This bill enacts a new exemption for materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, workforce training plans, business transactions, business plans, military records, skills assessments and career goals, resumes and contact information, certificates, financial and proprietary information, and agreements or proposals to receive funding which are received, generated, ascertained, or discovered by Veterans Florida. This exemption also includes the exemption for partnership and training participants, such as private enterprises, educational institutions, and other organizations, for the purposes of administering the Veterans Florida Opportunity Program.<sup>66</sup>

###### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure requirements to state with specificity the public necessity justifying the exemption.

Section 2 of the bill contains a statement of public necessity which specifies that the Legislature finds the Veterans Florida Opportunity program, administered by Veterans Florida, in order to provide assistance, services, and training to separating servicemembers, veterans, and others through organizations such as employers, nonprofits, and universities in the areas of career placement and training and entrepreneurship training to support workforce and economic development within this state. The statement also specifies that making information, such as resumes of job seekers, entrepreneurship business plans, and employer workforce training plans and curricula, publicly available exposes those individuals and organizations to risk of loss of personal privacy and theft of confidential business information; and without the public records exemption, the state would be unable to effectively and efficiently implement and administer the program.

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<sup>66</sup> Section 295.22(4), F.S., provides for the administration of the Veterans Employment and Training Services Program, renamed as the Veterans Florida Opportunity Program contingent on the passage of SB 1280 (2025).

### **Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

Section 2 of the bill provides the purpose of the proposed public records exemption is to protect individuals and organizations from a risk of loss of personal privacy and theft of confidential business information. The bill proposes exemptions which protect a wide range of materials and information pertaining to private enterprises, educational institutions, state agencies, servicemembers, trainees, and other entities<sup>67</sup> which are connected in some manner to the administration of the Veterans Florida Opportunity program and the functions of Veterans Florida as it relates to the program.<sup>68</sup> The bill exempts all of the following: materials that relate to methods of manufacture or production; potential trade secrets; potentially patentable material; actual trade secrets; workforce training plans; business transactions; business plans; military records; skills assessments and career goals; resumes and contact information; certificates; financial and proprietary information; and agreements or proposals to receive funding which are received, generated, ascertained, or discovered by Veterans Florida, including partnership and training participants, such as private enterprises, educational institutions, and other organizations, for the purposes of administering the Veterans Florida Opportunity program.<sup>69</sup>

**C. Trust Funds Restrictions:**

None identified.

**D. State Tax or Fee Increases:**

None identified.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None identified.

**B. Private Sector Impact:**

The private sector may be subject to the cost associated with Veterans Florida's review and redaction of exempt records in response to a public records request.

<sup>67</sup> Section 295.22(5), F.S.,

<sup>68</sup> See s. 295.22(4), F.S.

<sup>69</sup> *Id.*

### C. Government Sector Impact:

Veterans Florida staff responsible for compliance with public record requests may require training related to the new public record exemptions and may experience additional workload associated with the redaction of exempt information prior to the release of a record. This workload may be absorbed as part of day-to-day responsibilities.

State agencies and other governmental entities working with Veterans Florida may experience additional workload associated with the redaction of exempt information prior to the release of a record. This workload may be absorbed as part of day-to-day responsibilities.

### VI. Technical Deficiencies:

The bill on lines 171-178, provide that “military records, skills assessments and career goals, resumes and contact information ... for the purposes of administering ...” the Veterans Florida Opportunity Program will be confidential and exempt. Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>70</sup> This may hinder Veterans Florida’s ability to train and employ servicemembers, veterans, and their spouses, as Veterans Florida may be unable to share military records, skills assessments, career goals, resumes, and contact information of those individuals for training or employment purposes unless provided for in statute.

### VII. Related Issues:

To provide that an exemption from the public records requirements be no broader than necessary to accomplish the stated purpose of the law, some sections of statute such as s. 288.075, F.S., that deal with making business plans, trade secrets,<sup>71</sup> and other proprietary confidential business information<sup>72</sup> confidential and exempt from s. 119.07(1), F.S., and Article I, s. 24(a) of the State Constitution, require a business entity to request in writing that the confidentiality of such information be maintained by the receiving entity. The request for confidentiality is then maintained for a period of 12 months after it has been received or until the information is otherwise disclosed, whichever occurs first, and has provisions for extensions should they be necessary.<sup>73</sup>

<sup>70</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>71</sup> Section 688.002, F.S., defines “trade secret” to mean information, including a formula, pattern, compilation, program, device, method, technique, or process that: derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

<sup>72</sup> Section 288.075, F.S., defines “proprietary confidential business information” to mean information that is owned or controlled by the corporation, partnership, or person requesting confidentiality under s. 288.075, F.S.; that is intended to be and is treated by the corporation, partnership, or person as private in that the disclosure of the information would cause harm to the business operations of the corporation, partnership, or person; that has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and that is information concerning: business plans, internal auditing controls and reports of internal auditors, and reports of external auditors for privately held companies.

<sup>73</sup> Section 288.075(2), F.S.

**VIII. Statutes Affected:**

This bill creates section 295.22 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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