



Triumph Gulf Coast, Inc.

**Board *of* Directors
Meeting**

SANDESTIN RESORT

AUGUST 18, 2015

9 A.M. - NOON

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Agenda

Triumph Gulf Coast, Inc.

Board of Directors Meeting Agenda

18 August 2015 - 9 a.m. - Noon

Sandestin Golf and Beach Resort, Bayside Ball Room

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|---|---------------------|
| 1. Call to Order | Meeting Facilitator |
| 2. Roll Call, Verification of Quorum | Meeting Facilitator |
| 3. Sunshine Law | UWF General Counsel |
| 4. Introductory Statements | Board Members |
| 5. Triumph Gulf Coast, Inc., Legislative Intent | Sen. Don Gaetz |
| 6. State, Regional Economic Factors | Dr. Rick Harper |
| 7. Immediate-, Long-Term Requirements of Triumph Gulf Coast, Inc., Board of Directors | Meeting Facilitator |
| 8. Committee of 8 Disproportionally Affected Counties | Board Members |
| 9. Open Discussion | Board Members |
| 10. Public Comment | Public |
| 11. Set Next Meeting Date, Location | Board Members |
| 12. Adjourn | |

Settlement Funding Overview

On July 2, 2015, British Petroleum reached a settlement requiring them to pay roughly \$18.5 Billion in damages to the five Gulf Coast States affected by the 2010 Deepwater Horizon Oil Spill (the “Spill”). Of that \$18.5 Billion, Florida will received roughly \$3.25 Billion. That \$3.25 Billion includes damages owed under the Clean Water Act (\$572 Million), the Natural Resource Damage Assessment (\$680 Million) and Economic Damages (\$2 Billion). The Clean Water Act Penalties will be allocated as mandated by the RESTORE the Gulf Coast Act of 2012, and Florida S.B. 2156, which mandates that certain portions of the Clean Water Act Penalties be allocated to the eight counties disproportionately affected by the Spill (Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla) (the “DACs”). The funds received under the Natural Resource Damage Assessment (“NRDA”) will be administered by the NRDA Trustee Council. Of the \$2 Billion received for economic damages, 75% will be allocated to the DACs and administered by Triumph Gulf Coast as a result of Florida’s Gulf Coast Economic Corridor Act, while the remaining 25% will be distributed by the Florida State Legislature to the rest of the State (“Other Counties”).

Total Settlement (18.7 Billion)			
Florida’s Share (\$3.25 Billion)			
Clean Water Act (\$572 Million)	Natural Resource Damage Assessment (\$680 Million)	Economic Damages (\$2 Billion)	
RESTORE Act Breakdown (See RESTORE the Gulf Coast Act summary for allocations)	Natural Resource Damage Assessment Trustee Council	DACs	Other Counties
		\$1.5 Billion (Triumph Gulf Coast)	\$0.5 Billion (FL State Legislature)

Gulf Coast Economic Corridor Act Summary

The **Legislative Intent** of the Gulf Coast Economic Corridor Act (hereinafter, the “Act”) is to help businesses, individuals and local governments in the **Disproportionally Affected Counties**¹ recover from the 2010 Deepwater Horizon Oil Spill (hereinafter, the “Oil Spill”) by providing long term support and funding for efforts in economic recovery, diversification and enhancement in the Gulf Coast Region.

Triumph Gulf Coast

Triumph Gulf Coast, Inc. (hereinafter, “Triumph”) is a nonprofit corporation, organized within the Department of Economic Opportunity (hereinafter, “DEO”), but is not a unit of State Government. It is a separate budget entity from and not subject to the control, supervision, or direction of DEO. Under no circumstances may the credit of the State of Florida be pledged on behalf of Triumph.

Triumph must establish, hold, invest and administer a trust account at a federally insured financial institution for the benefit of the Disproportionally Affected Counties (hereinafter, the “**Recovery Fund**”), derived from 75% of all funds recovered by the attorney General for economic damages to the state resulting from the Oil Spill, after payment of reasonable and necessary costs and expenses.

Triumph must operate in a transparent manner, providing public access to information, notice of meetings, awards and the status of projects and programs. To this end, Triumph must maintain a website that provides access to this information. Triumph is subject to **Chapter 119, Florida Statutes** regarding public records and **Chapter 286, Florida Statutes** regarding public meetings and records.

Structure

Board of Directors: Triumph shall be governed by a **5 member Board of Directors** (hereinafter, the “Board”)

- **Chairperson:** The Board shall each year elect a chairperson² from among its members. The chairperson may be removed by a majority vote of the members of the Board, in which case his or her successor will be elected to serve out the balance of the removed chairperson’s term.
- **Board Member Appointments, Terms, Removal and Ethics:**
 - **Appointments:** The Board shall include: 1 private sector member appointed by each of the Trustees of the State Board of Administration (3 total), 1 Private sector member appointed by the President of the Florida Senate and 1 private sector member appointed by the Speaker of the House of Representatives.
 - **Initial Board Members Appointed by Trustees of the State Board of Administration:** Terms shall end 4 years after the legislature appropriates funds to the Recovery Fund.
 - **Initial Board Members Appointed by the President of the Senate or the Speaker of the House of Representatives:** Term shall end 5 years after the legislature appropriates funds to the Recovery Fund.
 - **All Board Members thereafter:** Terms shall last for 4 years.
 - **Reappointments:** A Board member may not be reappointed to the Board unless they were appointed to fill a vacancy for a term of 2 years or less, in which case they may be appointed for an additional 4 years term.

¹ **Disproportionally Affected Counties** are those 8 Florida Counties disproportionately affected by the 2010 Deepwater Horizon Oil Spill. They are: Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla.

² **Responsibilities of the Chairperson** include ensuring records are kept of the proceedings of the board and is the custodian of all books, documents and papers filed with the board, the minutes of meetings of the board and the official seal of Triumph.

- **Vacancies:** Vacancies on the Board shall be filled by the officer who originally appointed the member who vacated his or her seat on the Board. A vacancy that occurs before the scheduled expiration of the term of the member shall be filled for the remainder of the unexpired term.
- **Removal:** Board members may be removed by a majority of the Board or, for certain reasons³, by the officer that appointed him or her.
- **Ethics:** Though they are not public officers, Board members are subject to the Standards of Conduct for Public Officers, Employees of Agencies and Local Government Attorneys, the Restriction on Employment of Relatives and Voting Conflicts. In addition, Board members are restricted from having a direct interest in any contract, franchise, privilege, project, program or other benefit arising from an award by Triumph to an awardee during or within 2 years following the expiration of his or her term. Each Board member will also file a disclosure of financial interests.
- **Compensation:** Each member of the Board shall serve without compensation, however shall receive travel and per diem expenses while in the performance of his or her duties.
- **Meetings:** The Board shall meet at least quarterly, upon call of the chairperson or at the request of membership, to review the Recovery Fund, establish and review priorities for economic recovery in the Disproportionally Affected Counties and determine the best use of the funds available. A majority of the Board constitutes a quorum. Board Members may not vote by proxy.
- **Powers:** To the extent necessary or convenient for the exercise of its powers and functions, the Board has the power to: make or enter into contracts or other instruments; make expenditures; adopt, use and alter a common corporate seal; adopt, amend and repeal bylaws; use the state seal when appropriate for standard corporate identity applications

Staff: Triumph is permitted to hire or contract for all staff⁴ necessary to the proper execution of its powers and duties pursuant to the Act. It is required to obtain:

1. An **independent certified public accountant** licensed in this state to inspect the records of and to annually audit the expenditures of the Earnings and available principal disbursed by Triumph
2. An **Independent financial advisor** to assist Triumph in the development and implementation of a strategic plan
3. An **economic advisor** who will assist in the award process, including the development of priorities, allocation decisions and the application and process. The economic advisor will assist the Board in determining eligibility of award applications and the evaluation and scoring of applications, and will assist in the development of award documentation.
4. A **legal advisor** with expertise in not-for-profit investing and contracting and who is a member of the Florida Bar to assist with contracting and carrying out the intent of this act.

Duties and Powers

³ **Reasons the appointing officer may remove a Board Member include:** malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from 3 consecutive meetings of the Board, arrest or indictment for a crime that is a felony or misdemeanor involving theft or crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.

⁴ **Retained staff** shall be required to comply with the code of ethics for public employees, must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program or other benefit arising from an award by Triumph during the term of his or her appointment or within 2 years following the term of his or her appointment. They shall also be available to consult with the Board and shall attend Board meetings, though they shall not vote on any matter before the Board.

Recovery Fund Purpose, Structure and Management: The Recovery Fund must act as a long-term and stable source of revenue and will decline over a 30 year period in equal amounts each year as the **principal** is used to make awards pursuant to the Act and to pay administrative costs⁵. Any funds remaining in the Recovery Fund after 30 years shall revert to the Florida Treasury.

- **Earnings:** Income derived from interest and investments of the Recovery Fund (hereinafter, “**Earnings**”) shall be made available to make awards pursuant to the Act and to pay administrative costs and shall be accounted for separately from the principal.
 - **Investments:** Triumph shall invest and reinvest the Recovery Fund In accordance with all relevant state and **federal laws, rules and regulations**⁶, shall adopt and adhere to an **investment policy**, and shall competitively hire one or more **money managers**⁷ to manage such investments. All such decision should be made with the advice of the financial advisor in consultation with the State Board of Administration and plans should include investments in technology and growth businesses domiciled, that will be domiciled or whose principal address is in the State of Florida.

Awards: Awards, made from the principal and Earnings of the Recovery fund, shall be made to fund projects or programs meeting the **priorities** of economic recovery, diversification and enhancement in the Disproportionally Affected Counties.

- **Permissible Funded Projects or Programs:** Awards may be provided for:
 - An ad valorem tax reduction in the Disproportionally Affected Counties.
 - Payment of impact fees⁸ imposed within the Disproportionally Affected Counties.
 - Administrative funding for economic development organizations in the Disproportionally Affected Counties.
 - Local match requirements for projects in the Disproportionally Affected Counties.
 - Economic development projects in the Disproportionally Affected Counties.
 - Infrastructure projects that are shown to enhance economic development in the Disproportionally Affected Counties.
 - Grants to local governments in the Disproportionally Affected Counties to establish and maintain equipment and trained personnel for local action plans to response to disasters.
 - Grants to support programs of excellence that prepare students for future careers at K-20 institutions with home campuses in the Disproportionally Affected Counties.
 - Grants to the Florida Tourism Marketing Corporation for the purpose of advertising and promoting tourism, Fresh From Florida or related content on behalf of one or all of the Disproportionally Affected Counties.
- **Application process and Scoring System:** Triumph shall establish an application procedure and scoring system for the selection of the projects and programs that receive awards based on the aforementioned priorities. Priority will be given to projects that:
 - Generate maximum estimated economic benefits⁹ in the Disproportionally Affected Counties.

⁵ **Administrative costs** may not be more than 2.25% of the earnings in a calendar year and may include: payment of investment fees, travel and per diem expenses of board members, audits, salary or other costs for employed or contract staff and other allowable costs.

⁶ Investments of the principal of the Recovery Fund shall be made in accordance with the **Florida Uniform Prudent Management of Institutional Funds Act** and in such a manner as not to subject the funds to **state or federal taxes**.

⁷ Any **agreement with the money manager(s)** must be reviewed for continuance at least every 5 years.

⁸ **Impact Fees** are described and in section 163.31801, Florida Statutes.

⁹ **Estimated economic benefits** must be calculated based on tools and models not generally employed by economic input-output analysis, including cost-benefit, return on investment or dynamic scoring techniques.

- Increase household income in the Disproportionally Affected Counties.
- Expand high growth¹⁰ industries or establish new high growth industries in the Disproportionally Affected Counties.
- Leverage or further enhance assets already in the Disproportionally Affected Counties.
- Partner with local governments.
- Have investment commitments from private equity or private venture capital funds
- Provide or encourage seed stage investments to startup companies.
- Provide advice and technical assistance to companies on restructuring existing management, operations or production.
- Benefit the environment in addition to the economy.
- Provide outcomes measures for programs of excellence support, including terms of intent and metrics.
- Partner with K-20 educational institutions or school districts in the Disproportionally Affected Counties.
- Partner with convention and visitor bureaus, tourist development councils or chambers of commerce in the Disproportionally Affected Counties.
- **Award Requirements:** Triumph may make awards as applications are received or may establish application periods for selection. Awards may not be used to finance 100% of any project or program. Triumph may require a 1:1 private sector match or higher for an award. An awardee may not receive all of the earnings or available principal in any given year.
- **Required Contract Provisions:** Contracts executed by Triumph with an awardee must include provisions requiring a regular report on the contracted activities, must account for the proper use of funds provided for under the contract and must include provisions for recovery of funds in the event an award was based upon fraudulent information or the awardee is not meeting the performance requirements of the award.

Reports: Triumph shall **report** on June 30 and December 30 of each year to the Governor, the President of the Florida Senate and the Speaker of the Florida House of Representatives on the financial status of the Recovery Fund, the investments of the Recovery Fund, and the project and program selection process,¹¹ and the status of each award.

Audits: Triumph must ensure that investments of the Recovery Fund are subject to an annual audit by the aforementioned independent certified public accountant. Additionally, the Auditor General shall conduct annual an operational audit of the Recovery Fund and Triumph, which shall provide the Auditor General with all required information.

¹⁰ Industries that are supported must have high **growth potential** in the Disproportionally Affected Counties, which is defined based on a detailed review of the current industry trends nationally and the necessary supporting asset base for that industry in the region.

¹¹ The **report on the project and program selection process** shall include a list of all submitted projects and reasons for approval or denial.

Gulf Coast Economic Corridor Act Statutory Language

The 2015 Florida Statutes

Title XIX Public Business

Chapter 288 Commercial and Capital Improvements

288.80 Short title: this section and ss. 288.8011-288.8017 may be cited as the “Gulf Coast Economic Corridor Act.”

288.8011 Gulf Coast Economic Corridor; Legislative intent: The Legislature recognizes that fully supporting areas affected by the Deepwater Horizon disaster to ensure goals for economic recovery and diversification are achieved is in the best interest of the citizens of the state. The Legislature intends to provide a long-term source of funding for efforts of economic recovery and enhancement in the Gulf Coast region. The Legislature finds that it is important to help businesses, individuals, and local governments in the Gulf Coast region recover.

288.8012 Definitions: as used in ss. 288.80-288.8017, the term:

1. “Awardee” means a person, organization, or local government granted an award of funds from the Recovery Fund for a project or program.
2. “Disproportionately affected county” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.
3. “Earnings” means all the income generated by investments and interest.
4. “Recovery Fund” means a trust account established by Triumph Gulf Coast, Inc., for the benefit of the disproportionately affected counties.

288.8013 Triumph Gulf Coast, Inc.; Recovery Fund: creation; investment:

1. There is created within the Department of Economic Opportunity a nonprofit corporation, to be known as Triumph Gulf Coast, Inc., which shall be registered, incorporated, organized, and operated in compliance with chapter 617, and which is not a unit or entity of state government. Triumph Gulf Coast, Inc., may receive, hold, invest, and administer the Recovery Fund in support of this act. Triumph Gulf Coast, Inc., is a separate budget entity and is not subject to control, supervision, or direction by the Department of Economic Opportunity in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.
2. Triumph Gulf Coast, Inc., must create and administer the Recovery Fund for the benefit of the disproportionately affected counties. The principal of the fund shall derive from 75 percent of all funds recovered by the Attorney General for economic damage to the state resulting from the Deepwater Horizon disaster, after payment of reasonable and necessary attorney fees, costs, and expenses, including such attorney fees, costs, and expenses pursuant to s. 16.0155.
3. The Recovery Fund must be maintained as a long-term and stable source of revenue, which shall decline over a 30-year period in equal amounts each year. Triumph Gulf Coast, Inc., shall establish a trust account at a federally insured financial institution to hold funds and make deposits and payments. Earnings generated by investments and interest of the fund, plus the amount of principal available each year, shall be available to make awards pursuant to this act and pay administrative costs. Earnings shall be accounted for separately from principal funds set forth in subsection (2). Administrative costs are limited to 2.25 percent of the earnings in a calendar year. Administrative costs include payment of investment fees, travel and per diem expenses of board members, audits, salary or other costs for employed or contracted staff, including required staff under s. 288.8014(9), and other allowable costs. Any funds remaining in the Recovery Fund after 30 years shall revert to the State Treasury.
4. Triumph Gulf Coast, Inc., shall invest and reinvest the principal of the Recovery Fund in accordance with s. 617.2104, in such a manner not to subject the funds to state or federal taxes, and consistent with an investment policy statement adopted by the corporation.

- a. The board of directors shall formulate an investment policy governing the investment of the principal of the Recovery Fund. The policy shall pertain to the types, kinds, or nature of investment of any of the funds, and any limitations, conditions or restrictions upon the methods, practices, or procedures for investment, reinvestments, purchases, sales, or exchange transactions, provided such policies shall not conflict with nor be in derogation of any state constitutional provision or law. The policy shall be formulated with the advice of the financial advisor in consultation with the State Board of Administration.
 - b. Triumph Gulf Coast, Inc., must competitively procure one or more money managers, under the advice of the financial advisor in consultation with the State Board of Administration, to invest the principal of the Recovery Fund. The applicant manager or managers may not include representatives from the financial institution housing the trust account for the Recovery Fund. The applicant manager or managers must present a plan to invest the Recovery Fund to maximize earnings while prioritizing the preservation of Recovery Fund principal. Any agreement with a money manager must be reviewed by Triumph Gulf Coast, Inc., for continuance at least every 5 years. Plans should include investment in technology and growth businesses domiciled in, or that will be domiciled in, this state or businesses whose principal address is in this state.
 - c. Costs and fees for investment services shall be deducted from the earnings as administrative costs. Fees for investment services shall be no greater than 150 basis points.
 - d. Annually, Triumph Gulf Coast, Inc., shall cause an audit to be conducted of the investment of the Recovery Fund by the independent certified public accountant retained in s. 288.8014. The expense of such audit shall be paid from earnings for administrative purposes.
5. Triumph Gulf Coast, Inc., shall report on June 30 and December 30 each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the financial status of the Recovery Fund and its investments, the established priorities, the project and program selection process, including a list of all submitted projects and reasons for approval or denial, and the status of all approved awards.
 6. The Auditor General shall conduct an operational audit of the Recovery Fund and Triumph Gulf Coast, Inc., annually. Triumph Gulf Coast, Inc., shall provide to the Auditor General any detail or supplemental data required.

288.8014 Triumph Gulf Coast, Inc.; Organization: board of directors:

1. Triumph Gulf Coast, Inc., is subject to the provisions of chapter 119 relating to public records and those provisions of chapter 286 relating to public meetings and records.
2. Triumph Gulf Coast, Inc., shall be governed by a 5-member board of directors. Each of the Trustees of the State Board of Administration, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member from the private sector. The board of directors shall annually elect a chairperson from among the board's members. The chairperson may be removed by a majority vote of the members. His or her successor shall be elected to serve for the balance of the removed chairperson's term. The chairperson is responsible to ensure records are kept of the proceedings of the board of directors and is the custodian of all books, documents, and papers filed with the board; the minutes of meetings of the board; and the official seal of Triumph Gulf Coast, Inc.
3. Notwithstanding s. 20.052(4)(c), each initial appointment to the board of directors by the Board of Trustees of the State Board of Administration shall serve for a term that ends 4 years after the Legislature appropriates funds to the Recovery Fund. To achieve staggered terms among the members of the board, each initial appointment to the board of directors by the President of the Senate and the Speaker of the House of Representatives shall serve for a term that ends 5 years after the Legislature appropriates funds to the Recovery Fund. Thereafter, each member of the board of directors shall serve for a term of 4 years. A member is not eligible for reappointment to the board, except, however, any member appointed to fill a vacancy for a term of 2 years or less

may be reappointed for an additional term of 4 years. The initial appointments to the board must be made by November 15, 2013. Vacancies on the board of directors shall be filled by the officer who originally appointed the member. A vacancy that occurs before the scheduled expiration of the term of the member shall be filled for the remainder of the unexpired term.

4. The Legislature determines that it is in the public interest for the members of the board of directors to be subject to the requirements of ss. 112.313, 112.3135, and 112.3143, notwithstanding the fact that the board members are not public officers or employees. For purposes of those sections, the board members shall be considered to be public officers or employees. In addition to the postemployment restrictions of s. 112.313(9), a person appointed to the board of directors must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for 2 years after the termination of such appointment. It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to accept appointment to the board of directors in violation of this subsection or to accept a direct interest in any contract, franchise, privilege, project, program, or other benefit granted by Triumph Gulf Coast, Inc., to an awardee within 2 years after the termination of his or her service on the board. Further, each member of the board of directors who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.3144 shall file disclosure of financial interests under s. 112.3145.
5. Each member of the board of directors shall serve without compensation, but shall receive travel and per diem expenses as provided in s. 112.061 while in the performance of his or her duties.
6. Each member of the board of directors is accountable for the proper performance of the duties of office, and each member owes a fiduciary duty to the people of the state to ensure that awards provided are disbursed and used, and investments are made, as prescribed by law and contract. An appointed member of the board of directors may be removed by the officer that appointed the member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, unexcused absence from three consecutive meetings of the board, arrest or indictment for a crime that is a felony or a misdemeanor involving theft or a crime of dishonesty, or pleading nolo contendere to, or being found guilty of, any crime.
7. The board of directors shall meet at least quarterly, upon the call of the chairperson or at the request of a majority of the membership, to review the Recovery Fund, establish and review priorities for economic recovery in disproportionately affected counties, and determine use of the earnings available. A majority of the members of the board of directors constitutes a quorum. Members may not vote by proxy.
8. The executive director of the Department of Economic Opportunity, or his or her designee, the secretary of the Department of Environmental Protection, or his or her designee, and the chair of the Committee of 8 Disproportionally Affected Counties, or his or her designee, shall be available to consult with the board of directors and may be requested to attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.
9. Staff
 - a. Triumph Gulf Coast, Inc., is permitted to hire or contract for all staff necessary to the proper execution of its powers and duties to implement this act. The corporation is required to retain:
 1. An independent certified public accountant licensed in this state pursuant to chapter 473 to inspect the records of and to annually audit the expenditure of the earnings and available principal disbursed by Triumph Gulf Coast, Inc.
 2. An independent financial advisor to assist Triumph Gulf Coast, Inc., in the development and implementation of a strategic plan consistent with the requirements of this act.
 3. An economic advisor who will assist in the award process, including the development of priorities, allocation decisions, and the application and process; will assist the board in determining eligibility of award applications and the

evaluation and scoring of applications; and will assist in the development of award documentation.

4. A legal advisor with expertise in not-for-profit investing and contracting and who is a member of The Florida Bar to assist with contracting and carrying out the intent of this act.

- b. Triumph Gulf Coast, Inc., shall require all employees of the corporation to comply with the code of ethics for public employees under part III of chapter 112. Retained staff under paragraph (a) must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by Triumph Gulf Coast, Inc., during the term of his or her appointment and for 2 years after the termination of such appointment.
- c. Retained staff under paragraph (a) shall be available to consult with the board of directors and shall attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.

288.8015 Board of directors; Powers: In addition to the powers and duties prescribed in chapter 617 and the articles and bylaws adopted in compliance with that chapter, the board of directors may:

- 1. Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions.
- 2. Make expenditures including any necessary administrative expenditure from earnings consistent with its powers.
- 3. Adopt, use, and alter a common corporate seal. Notwithstanding any provision of chapter 617 to the contrary, this seal is not required to contain the words “corporation not for profit.”
- 4. Adopt, amend, and repeal bylaws, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the activities of Triumph Gulf Coast, Inc., and the exercise of its corporate powers.
- 5. Use the state seal, notwithstanding the provisions of s. 15.03, when appropriate, for standard corporate identity applications. Use of the state seal is not intended to replace use of a corporate seal as provided in this section.

Under no circumstances may the credit of the State of Florida be pledged on behalf of Triumph Gulf Coast, Inc.

288.8016 Triumph Gulf Coast, Inc.; Duties: Triumph Gulf Coast, Inc., shall have the following duties:

- 1. Manage responsibly and prudently all funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements.
- 2. Administer the program created under this act.
- 3. Monitor, review, and annually evaluate awardees and their projects or programs to determine whether an award should be continued, terminated, reduced, or increased.
- 4. Operate in a transparent manner, providing public access to information, notice of meetings, awards, and the status of projects and programs. To this end, Triumph Gulf Coast, Inc., shall maintain a website that provides public access to this information.

288.8017 Awards:

- 1. Triumph Gulf Coast, Inc., shall make awards from available earnings and principal derived under s. 288.8013(2) to projects or programs that meet the priorities for economic recovery, diversification, and enhancement of the disproportionately affected counties, notwithstanding s. 377.43. Awards may be provided for:
 - a. Ad valorem tax reduction within disproportionately affected counties;
 - b. Payment of impact fees adopted pursuant to s. 163.31801 and imposed within disproportionately affected counties;
 - c. Administrative funding for economic development organizations located within the disproportionately affected counties;

- d. Local match requirements of ss. 288.0655, 288.0659, 288.1045, and 288.106 for projects in the disproportionately affected counties;
 - e. Economic development projects in the disproportionately affected counties;
 - f. Infrastructure projects that are shown to enhance economic development in the disproportionately affected counties;
 - g. Grants to local governments in the disproportionately affected counties to establish and maintain equipment and trained personnel for local action plans of response to respond to disasters, such as plans created for the Coastal Impacts Assistance Program;
 - h. Grants to support programs of excellence that prepare students for future occupations and careers at K-20 institutions that have home campuses in the disproportionately affected counties. Eligible programs include those that increase students' technology skills and knowledge; encourage industry certifications; provide rigorous, alternative pathways for students to meet high school graduation requirements; strengthen career readiness initiatives; fund high-demand programs of emphasis at the bachelor's and master's level designated by the Board of Governors; and, similar to or the same as talent retention programs created by the Chancellor of the State University System and the Commission of Education, encourage students with interest or aptitude for science, technology, engineering, mathematics, and medical disciplines to pursue postsecondary education at a state university within the disproportionately affected counties; and
 - i. Grants to the tourism entity created under s. 288.1226 for the purpose of advertising and promoting tourism, Fresh From Florida, or related content on behalf of one or all of the disproportionately affected counties.
2. Triumph Gulf Coast, Inc., shall establish an application procedure for awards and a scoring process for the selection of projects and programs that have the potential to generate increased economic activity in the disproportionately affected counties, giving priority to projects and programs that:
- a. Generate maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques to determine how the long-term economic growth potential of the disproportionately affected counties may be enhanced by the investment.
 - b. Increase household income in the disproportionately affected counties above national average household income.
 - c. Expand high growth industries or establish new high growth industries in the region.
 - 1. Industries that are supported must have strong growth potential in the disproportionately affected counties.
 - 2. An industry's growth potential is defined based on a detailed review of the current industry trends nationally and the necessary supporting asset base for that industry in the disproportionately affected counties region.
 - d. Leverage or further enhance key regional assets, including educational institutions, research facilities, and military bases.
 - e. Partner with local governments to provide funds, infrastructure, land, or other assistance for the project.
 - f. Have investment commitments from private equity or private venture capital funds.
 - g. Provide or encourage seed stage investments in start-up companies.
 - h. Provide advice and technical assistance to companies on restructuring existing management, operations, or production to attract advantageous business opportunities.
 - i. Benefit the environment in addition to the economy.
 - j. Provide outcome measures for programs of excellence support, including terms of intent and metrics.
 - k. Partner with K-20 educational institutions or school districts located within the disproportionately affected counties.

1. Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce located within the disproportionately affected counties.
3. Triumph Gulf Coast, Inc., may make awards as applications are received or may establish application periods for selection. Awards may not be used to finance 100 percent of any project or program. Triumph Gulf Coast, Inc., may require a one-to-one private-sector match or higher for an award, if applicable and deemed prudent by the board of directors. An awardee may not receive all of the earnings or available principal in any given year.
4. A contract executed by Triumph Gulf Coast, Inc., with an awardee must include provisions requiring a performance report on the contracted activities, must account for the proper use of funds provided under the contract, and must include provisions for recovery of awards in the event the award was based upon fraudulent information or the awardee is not meeting the performance requirements of the award. Awardees must regularly report to Triumph Gulf Coast, Inc., the status of the project or program on a schedule determined by the corporation.

288.8018 Gulf Coast Audits:

1. The scope of a financial audit conducted pursuant to s. 218.39 shall include funds related to the Deepwater Horizon oil spill for any year in which a local government entity receives or expends funds related to the Deepwater Horizon oil spill, including any funds under s. 288.8017 or under 33 U.S.C. s. 1321(t). The scope of review for these funds shall include, but is not limited to, compliance with state and federal laws related to the receipt and expenditure of these funds.
2. Every 2 years, the Auditor General shall conduct an operational audit, as defined in s. 11.45, of a local government entity's funds related to the Deepwater Horizon oil spill to evaluate the local government entity's performance in administering laws, policies, and procedures governing the expenditure of funds related to the Deepwater Horizon oil spill in an efficient and effective manner. The scope of review shall include, but is not limited to, evaluating internal controls, internal audit functions, reporting and performance requirements required for use of the funds, and compliance with state and federal law. The audit shall include any funds the local government entity receives or expends related to the Deepwater Horizon oil spill, including any funds under s. 288.8017 or under 33 U.S.C. s. 1321(t).
3. In addition to the rules of the Auditor General adopted under s. 11.45(8), the Auditor General shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants and for audits of local government entities conducted under this section for funds received under 33 U.S.C. s. 1321(t). Such rules shall take into account the rules for such audits set forth by the Secretary of the Treasury pursuant to 33 U.S.C s. 1321(t).
4. The Auditor General may report findings to the Secretary of the Treasury of the United States in addition to the reporting requirements under state law.

RESTORE the Gulf Coast Act Summary and Flow Chart

RESTORE: Resources Ecosystems Sustainability Tourist Opportunities and Revived Economies

Signed into law on July 6, 2012 as part of the Federal Transportation Act of 2012, the **RESTORE Act** controls the allocation of fines levied against BP as a result of the 2010 Deepwater Horizon Oil Spill (hereinafter, the “Oil Spill”). 80% of the fines were directed to the **Gulf Coast Restoration Trust Fund**, which is accessible to the 5 states along the Gulf of Mexico: Texas, Louisiana, Mississippi, Alabama and Florida (hereinafter, the “States”).

Funds directed to the **Gulf Coast Restoration Trust Fund** are divided into **5 Buckets**¹:

Bucket 1: 35% to be split evenly among the States

- 75% of Florida’s portion of these funds (approximately 7%) were directed to the 8 counties disproportionately affected by the Oil Spill: Escambia (25.334%), Santa Rosa (10.497%), Okaloosa (15.226%), Walton (13.712%), Bay (15.101%), Gulf (6.743%), Franklin (8.441%) and Wakulla (4.943%) (hereinafter, the “Disproportionally Affected Counties”)
- The remaining 25% was directed to all other Florida Counties.
- **Eligible Uses:** Restoration, protection of natural resources, damage mitigation, implementing a federally approved consumer management plan, workforce development and job creation, improvement to state parks, infrastructure, coastal flood protection, related infrastructure, planning assistance)

Bucket 2: 30% to the Gulf Coast Restoration Council to be used to implement a comprehensive recovery plan for the entire Gulf Region (used only for environmental projects and programs)

- Council includes, among others, representatives appointed by the Governor of each of the States (remaining members being federal representatives)
- Competitive funding model among the States

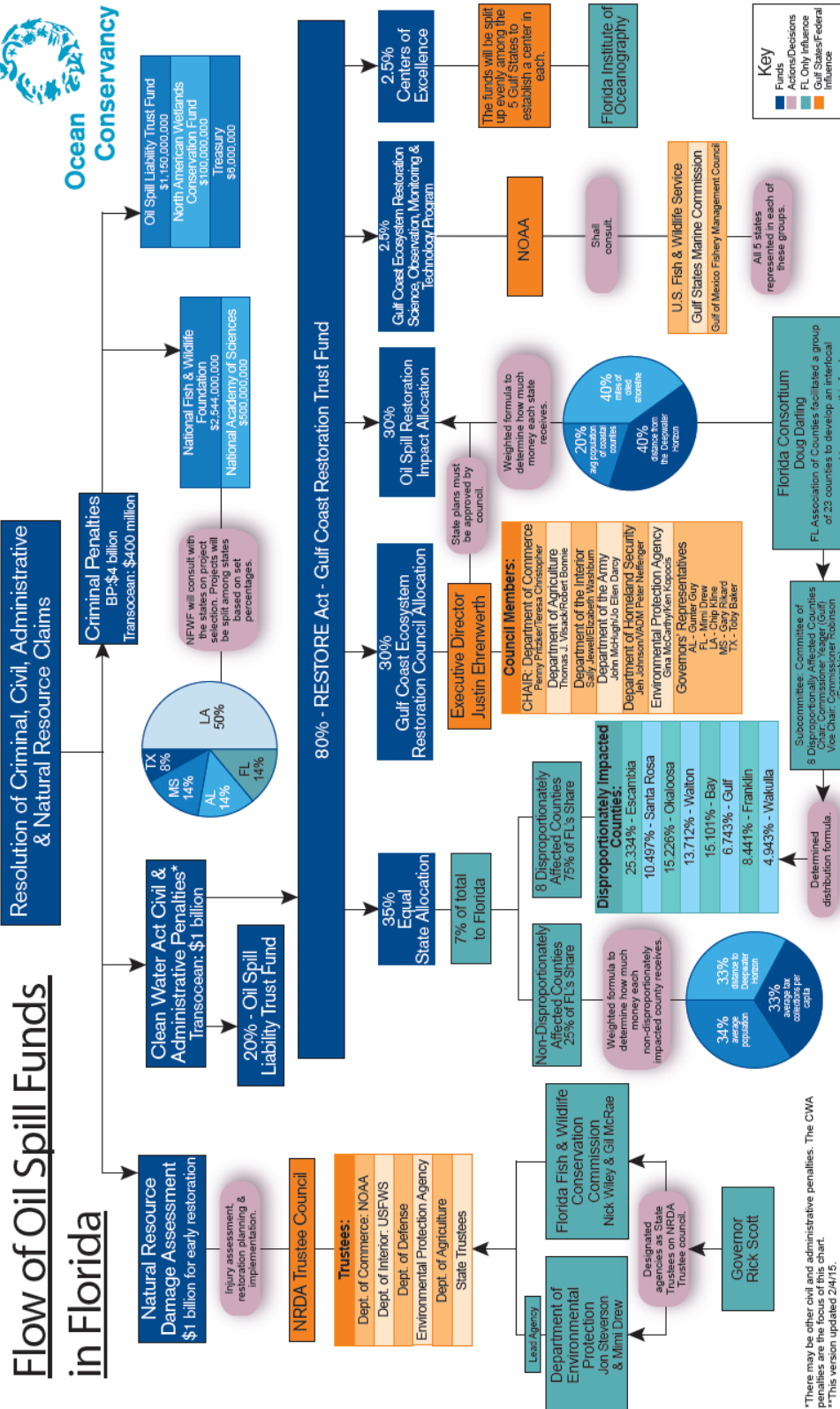
Bucket 3: 30% to the States based on a formula based on the number of miles of oiled shoreline, among other physical factors (to be used only for environmental projects and programs)

- 75% of Florida’s portion of these funds were directed to the Disproportionally Affected Counties, and will be allocated among them based on the same distribution formula as the first bucket
- The remaining 25% being directed to all other Florida Counties, and will also be allocated based on a weighted distribution formula
- A “**Florida Consortium**,” composed of 23 counties to develop an agreement to oversee Florida’s portion of these funds (with a subcommittee of the Disproportionally Affected Counties)
- Each State receiving these funds must submit a plan to be approved by the Gulf Coast Restoration Council (must be consistent with the Gulf Coast Regional Comprehensive Plan)

Bucket 4: 2.5% to the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring and Technology Program

Bucket 5: 2.5 % to be split evenly among the States to establish Centers of Excellence

¹ Allocations among the various Florida counties (Disproportionally Affect Counties versus all others) for all Buckets were made pursuant to S.B. 2156, which was approved by Governor Scott as of June 11, 2015.



Key

- Funds
- Actions/Decisions
- FL Only Influence
- Other States/Federal Influence

*There may be other civil and administrative penalties. The CWA penalties are the focus of this chart.
*This version updated 2/4/15.

RESTORE the Gulf Coast Act of Statutory Language

H. R. 4348—184

“A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas.”

Subtitle F: Gulf Coast Restoration

SEC. 1601. SHORT TITLE: This subtitle may be cited as the “Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012”.

SEC. 1602. GULF COAST RESTORATION TRUST FUND:

- a. **ESTABLISHMENT:** There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this Act or any other provision of law.
- b. **TRANSFERS:** The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this Act in connection with the explosion on, and sinking of, the mobile offshore drilling unit *Deepwater Horizon* pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).
- c. **EXPENDITURES:** Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall:
 1. be available for expenditure, without further appropriation, solely for the purpose and eligible activities of this subtitle and the amendments made by this subtitle; and
 2. remain available until expended, without fiscal year limitation.
- d. **INVESTMENT:** Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.
- e. **ADMINISTRATION:** Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including:
 1. procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this subtitle achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury may determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;
 2. auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and
 3. procedures for identification and allocation of funds available to the Secretary under other provisions of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

- f. SUNSET: The authority for the Trust Fund shall terminate on the date all funds in the Trust Fund have been expended.

SEC. 1603. GULF COAST NATURAL RESOURCES RESTORATION AND ECONOMIC

RECOVERY: Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended:

1. in subsection (a):
 - A. in paragraph (25)(B), by striking “and” at the end;
 - B. in paragraph (26)(D), by striking the period at the end and inserting a semicolon; and
 - C. by adding at the end the following:
 27. the term ‘best available science’ means science that:
 - A. maximizes the quality, objectivity, and integrity of information, including statistical information;
 - B. uses peer-reviewed and publicly available data; and
 - C. clearly documents and communicates risks and uncertainties in the scientific basis for such projects;
 28. the term ‘Chairperson’ means the Chairperson of the Council;
 29. the term ‘coastal political subdivision’ means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;
 30. the term ‘Comprehensive Plan’ means the comprehensive plan developed by the Council pursuant to subsection (t);
 31. the term ‘Council’ means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);
 32. the term ‘Deepwater Horizon oil spill’ means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;
 33. the term ‘Gulf Coast region’ means:
 - A. in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), except that, in this section, the term ‘coastal zones’ includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government)) that border the Gulf of Mexico;
 - B. any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and
 - C. all Federal waters in the Gulf of Mexico;
 34. the term ‘Gulf Coast State’ means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and
 35. the term ‘Trust Fund’ means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.”;
2. in subsection (s), by inserting “except as provided in subsection (t)” before the period at the end; and
3. by adding at the end the following:
 - t. GULF COAST RESTORATION AND RECOVERY:
 1. STATE ALLOCATION AND EXPENDITURES:

- A. IN GENERAL: Of the total amounts made available in any fiscal year from the Trust Fund, 35 percent shall be available, in accordance with the requirements of this section, to the Gulf Coast States in equal shares for expenditure for ecological and economic restoration of the Gulf Coast region in accordance with this subsection.
- B. USE OF FUNDS:
 - i. ELIGIBLE ACTIVITIES IN THE GULF COAST REGION.—Subject to clause (iii), amounts provided to the Gulf Coast States under this subsection may only be used to carry out 1 or more of the following activities in the Gulf Coast region:
 - I. Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
 - II. Mitigation of damage to fish, wildlife, and natural resources.
 - III. Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.
 - IV. Workforce development and job creation.
 - V. Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.
 - VI. Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.
 - VII. Coastal flood protection and related infrastructure.
 - VIII. Planning assistance.
 - IX. Administrative costs of complying with this subsection.
 - ii. ACTIVITIES TO PROMOTE TOURISM AND SEAFOOD IN THE GULF COAST REGION.—Amounts provided to the Gulf Coast States under this subsection may be used to carry out 1 or more of the following activities:
 - I. Promotion of tourism in the Gulf Coast Region, including recreational fishing.
 - II. Promotion of the consumption of seafood harvested from the Gulf Coast Region.
 - iii. LIMITATION:
 - I. IN GENERAL.—Of the amounts received by a Gulf Coast State under this subsection, not more than 3 percent may be used for administrative costs eligible under clause (i)(IX).
 - II. CLAIMS FOR COMPENSATION.—Activities funded under this subsection may not be included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after the date of enactment of this subsection.
- C. COASTAL POLITICAL SUBDIVISIONS.—
 - i. DISTRIBUTION.—In the case of a State where the coastal zone includes the entire State:
 - I. 75 percent of funding shall be provided directly to the 8 disproportionately affected counties impacted by the Deepwater Horizon oil spill; and

- II. 25 percent shall be provided directly to nondisproportionately impacted counties within the State.
 - ii. NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:
 - I. 34 percent based on the weighted average of the population of the county.
 - II. 33 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2012.
 - III. 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.
- D. LOUISIANA:
- i. IN GENERAL.—Of the total amounts made available to the State of Louisiana under this paragraph:
 - I. 70 percent shall be provided directly to the State in accordance with this subsection.
 - II. 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:
 - aa. 40 percent based on the weighted average of miles of the parish shoreline oiled.
 - bb. 40 percent based on the weighted average of the population of the parish.
 - cc. 20 percent based on the weighted average of the land mass of the parish.
 - ii. CONDITIONS:
 - I. LAND USE PLAN.—As a condition of receiving amounts allocated under this paragraph, the chief executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.
 - II. OTHER CONDITIONS.—A coastal political subdivision receiving funding under this paragraph shall meet all of the conditions in subparagraph (E).
- E. CONDITIONS: As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including the entities described in subparagraph (F), or a coastal political subdivision shall:
- i. agree to meet such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;
 - ii. certify in such form and in such manner as the Secretary of the Treasury determines necessary that the project or program for

which the Gulf Coast State or coastal political subdivision is requesting amounts:

- I. is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast;
 - II. carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B);
 - III. was selected based on meaningful input from the public, including broad-based participation from individuals, businesses, and nonprofit organizations; and
 - IV. in the case of a natural resource protection or restoration project, is based on the best available science;
 - iii. certify that the project or program and the awarding of a contract for the expenditure of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements; and
 - iv. develop and submit a multiyear implementation plan for the use of such amounts, which may include milestones, projected completion of each activity, and a mechanism to evaluate the success of each activity in helping to restore and protect the Gulf Coast region impacted by the Deepwater Horizon oil spill.
- F. APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY: The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:
 - i. ALABAMA:
 - I. IN GENERAL: In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:
 - aa. The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.
 - bb. The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.
 - cc. The Chairman of the Baldwin County Commission.
 - dd. The President of the Mobile County Commission.
 - ee. The Mayor of the city of Bayou La Batre.
 - ff. The Mayor of the town of Dauphin Island.
 - gg. The Mayor of the city of Fairhope.
 - hh. The Mayor of the city of Gulf Shores.
 - ii. The Mayor of the city of Mobile.
 - jj. The Mayor of the city of Orange Beach.

- II. VOTE: Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.
- III. MAJORITY VOTE: All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.
- IV. LIMITATION ON ADMINISTRATIVE EXPENSES: Administrative duties for the Alabama Gulf Coast Recovery Council may only be performed by public officials and employees that are subject to the ethics laws of the State of Alabama.
- ii. LOUISIANA: In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana.
- iii. MISSISSIPPI: In the State of Mississippi, the Mississippi Department of Environmental Quality.
- iv. TEXAS: In the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.
- G. COMPLIANCE WITH ELIGIBLE ACTIVITIES: If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision of amounts made available under this subsection does not meet one of the activities described in clauses (i) and (ii) of subparagraph (B), the Secretary shall make no additional amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unauthorized use:
 - i. has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or
 - ii. has been authorized by the Secretary of the Treasury for expenditure by the Gulf Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.
- H. COMPLIANCE WITH CONDITIONS: If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), where applicable, the Secretary of the Treasury shall make no amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until all conditions of this paragraph are met.
- I. PUBLIC INPUT: In meeting any condition of this paragraph, a Gulf Coast State may use an appropriate procedure for public consultation in that Gulf Coast State, including consulting with one or more established task forces or other entities, to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.
- J. PREVIOUSLY APPROVED PROJECTS AND PROGRAMS: A Gulf Coast State or coastal political subdivision shall be considered to have met the conditions of subparagraph (E) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012:
 - i. the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs

- that are substantively the same as the conditions described in subparagraph (E); and
 - ii. the applicable project or program carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B).
 - K. LOCAL PREFERENCE: In awarding contracts to carry out a project or program under this paragraph, a Gulf Coast State or coastal political subdivision may give a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in the State of project execution.
 - L. UNUSED FUNDS: Funds allocated to a State or coastal political subdivision under this paragraph shall remain in the Trust Fund until such time as the State or coastal political subdivision develops and submits a plan identifying uses for those funds in accordance with subparagraph (E)(iv).
 - M. JUDICIAL REVIEW: If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), the Gulf Coast State or coastal political subdivision may obtain expedited judicial review within 90 days after that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.
 - N. COST-SHARING:
 - i. IN GENERAL: A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available under this paragraph to that Gulf Coast State or coastal political subdivision to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that is an eligible activity described in clauses (i) and (ii) of subparagraph (B).
 - ii. EFFECT ON OTHER FUNDS: The use of funds made available from the Trust Fund to satisfy the non-Federal share of the cost of a project or program that meets the requirements of clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.
2. COUNCIL ESTABLISHMENT AND ALLOCATION:
- A. IN GENERAL: Of the total amount made available in any fiscal year from the Trust Fund, 30 percent shall be disbursed to the Council to carry out the Comprehensive Plan.
 - B. COUNCIL EXPENDITURES:
 - i. IN GENERAL: In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.
 - ii. ALLOCATION AND EXPENDITURE PROCEDURES: The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund to the Council to implement the Comprehensive Plan will be used in accordance with this paragraph.

- iii. ADMINISTRATIVE EXPENSES: Of the amounts received by the Council under this paragraph, not more than 3 percent may be used for administrative expenses, including staff.
- C. GULF COAST ECOSYSTEM RESTORATION COUNCIL:
 - i. ESTABLISHMENT: There is established as an independent entity in the Federal Government a council to be known as the 'Gulf Coast Ecosystem Restoration Council'.
 - ii. MEMBERSHIP: The Council shall consist of the following members, or in the case of a Federal agency, a designee at the level of the Assistant Secretary or the equivalent:
 - I. The Secretary of the Interior.
 - II. The Secretary of the Army.
 - III. The Secretary of Commerce.
 - IV. The Administrator of the Environmental Protection Agency.
 - V. The Secretary of Agriculture.
 - VI. The head of the department in which the Coast Guard is operating.
 - VII. The Governor of the State of Alabama.
 - VIII. The Governor of the State of Florida.
 - IX. The Governor of the State of Louisiana.
 - X. The Governor of the State of Mississippi.
 - XI. The Governor of the State of Texas.
 - iii. ALTERNATE: A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.
 - iv. CHAIRPERSON: From among the Federal agency members of the Council, the representatives of States on the Council shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.
 - v. PRESIDENTIAL APPOINTMENT: All Council members shall be appointed by the President.
 - vi. COUNCIL ACTIONS:
 - I. IN GENERAL: The following actions by the Council shall require the affirmative vote of the Chairperson and a majority of the State members to be effective:
 - aa. Approval of a Comprehensive Plan and future revisions to a Comprehensive Plan.
 - bb. Approval of State plans pursuant to paragraph (3)(B)(iv).
 - cc. Approval of reports to Congress pursuant to clause (vii)(VII).
 - dd. Approval of transfers pursuant to subparagraph (E)(ii)(I).
 - ee. Other significant actions determined by the Council.
 - II. QUORUM: A majority of State members shall be required to be present for the Council to take any significant action.
 - III. AFFIRMATIVE VOTE REQUIREMENT
CONSIDERED MET: For approval of State plans

pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that the plan satisfies all requirements of clauses (i) and (ii) of paragraph (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, shall be considered to satisfy the requirements for affirmative votes under subclause (I).

IV. PUBLIC TRANSPARENCY: Appropriate actions of the Council, including significant actions and associated deliberations, shall be made available to the public via electronic means prior to any vote.

vii. DUTIES OF COUNCIL: The Council shall:

I. develop the Comprehensive Plan and future revisions to the Comprehensive Plan;

II. identify as soon as practicable the projects that:

aa. have been authorized prior to the date of enactment of this subsection but not yet commenced; and

bb. if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast region;

III. establish such other 1 or more advisory committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

IV. collect and consider scientific and other research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to sections 1604 and 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

V. develop standard terms to include in contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State;

VI. prepare an integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for projects and programs in the Gulf Coast States; and

VII. submit to Congress an annual report that:

aa. summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast region;

- bb. describes the projects and programs being implemented to restore and protect the Gulf Coast region, including:
 - AA. a list of each project and program;
 - BB. an identification of the funding provided to projects and programs identified in subitem (AA);
 - CC. an identification of each recipient for funding identified in subitem (BB); and
 - DD. a description of the length of time and funding needed to complete the objectives of each project and program identified in subitem (AA);
- cc. makes such recommendations to Congress for modifications of existing laws as the Council determines necessary to implement the Comprehensive Plan;
- dd. reports on the progress on implementation of each project or program:
 - AA. after 3 years of ongoing activity of the project or program, if applicable; and
 - BB. on completion of the project or program;
- ee. includes the information required to be submitted under section 1605(c)(4) of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and
- ff. submits the reports required under item (dd) to:
 - AA. the Committee on Science, Space, and Technology, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives; and
 - BB. the Committee on Environment and Public Works, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

viii. APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT: The Council, or any other advisory committee established under this subparagraph, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

- ix. SUNSET: The authority for the Council, and any other advisory committee established under this subparagraph, shall terminate on the date all funds in the Trust Fund have been expended.
- D. COMPREHENSIVE PLAN:
 - i. PROPOSED PLAN:
 - I. IN GENERAL: Not later than 180 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council and after appropriate public input, review, and comment, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
 - II. INCLUSIONS: The proposed plan described in subclause (I) shall include and incorporate the findings and information prepared by the President's Gulf Coast Restoration Task Force.
 - ii. PUBLICATION:
 - I. INITIAL PLAN: Not later than 1 year after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 and after notice and opportunity for public comment, the Chairperson, on behalf of the Council and after approval by the Council, shall publish in the Federal Register the initial Comprehensive Plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.
 - II. COOPERATION WITH GULF COAST RESTORATION TASK FORCE: The Council shall develop the initial Comprehensive Plan in close coordination with the President's Gulf Coast Restoration Task Force.
 - III. CONSIDERATIONS: In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded under section 1604 or 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.
 - IV. CONTENTS: The initial Comprehensive Plan shall include:
 - aa. such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President's Gulf Coast Restoration Task Force;

- bb. a list of any project or program authorized prior to the date of enactment of this subsection but not yet commenced, the completion of which would further the purposes and goals of this subsection and of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;
- cc. a description of the manner in which amounts from the Trust Fund projected to be made available to the Council for the succeeding 10 years will be allocated; and
- dd. subject to available funding in accordance with clause (iii), a prioritized list of specific projects and programs to be funded and carried out during the 3-year period immediately following the date of publication of the initial Comprehensive Plan, including a table that illustrates the distribution of projects and programs by the Gulf Coast State.

V. PLAN UPDATES: The Council shall update:

- aa. the Comprehensive Plan every 5 years in a manner comparable to the manner established in this subparagraph for each 5-year period for which amounts are expected to be made available to the Gulf Coast States from the Trust Fund; and
- bb. the 3-year list of projects and programs described in subclause (IV)(dd) annually.

iii. RESTORATION PRIORITIES: Except for projects and programs described in clause (ii)(IV)(bb), in selecting projects and programs to include on the 3- year list described in clause (ii)(IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

- I. Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.
- II. Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.
- III. Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and

wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

- IV. Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

E. IMPLEMENTATION:

- i. IN GENERAL: The Council, acting through the Federal agencies represented on the Council and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

- ii. ADMINISTRATIVE RESPONSIBILITY:

- I. IN GENERAL: Primary authority and responsibility for each project and program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

- II. TRANSFER OF AMOUNTS: Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to that Federal agency or Gulf Coast State as the project or program is implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

- III. LIMITATION ON TRANSFERS:

- aa. GRANTS TO NONGOVERNMENTAL ENTITIES: In the case of funds transferred to a Federal or State agency under subclause (II), the agency shall not make 1 or more grants or cooperative agreements to a nongovernmental entity if the total amount provided to the entity would equal or exceed 10 percent of the total amount provided to the agency for that particular project or program, unless the 1 or more grants have been reported in accordance with item (bb).

- bb. REPORTING OF GRANTEES: At least 30 days prior to making a grant or entering into a cooperative agreement described in item (aa), the name of each grantee, including the amount and purpose of each grant or cooperative agreement, shall be published in the Federal Register and delivered to the congressional committees listed in subparagraph (C)(vii)(VII)(ff).

cc. ANNUAL REPORTING OF GRANTEES:

Annually, the name of each grantee, including the amount and purposes of each grant or cooperative agreement, shall be published in the Federal Register and delivered to Congress as part of the report submitted pursuant to subparagraph (C)(vii)(VII).

IV. PROJECT AND PROGRAM LIMITATION: The Council, a Federal agency, or a State may not carry out a project or program funded under this paragraph outside of the Gulf Coast region.

F. COORDINATION: The Council and the Federal members of the Council may develop memoranda of understanding establishing integrated funding and implementation plans among the member agencies and authorities.

3. OIL SPILL RESTORATION IMPACT ALLOCATION:

A. IN GENERAL:

- i. DISBURSEMENT: Of the total amount made available from the Trust Fund, 30 percent shall be disbursed pursuant to the formula in clause (ii) to the Gulf Coast States on the approval of the plan described in subparagraph (B)(i).
- ii. FORMULA: Subject to subparagraph (B), for each Gulf Coast State, the amount disbursed under this paragraph shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:
 - I. 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.
 - II. 40 percent based on the inverse proportion of the average distance from the mobile offshore drilling unit *Deepwater Horizon* at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.
 - III. 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.
- iii. MINIMUM ALLOCATION: The amount disbursed to a Gulf Coast State for each fiscal year under clause (ii) shall be at least 5 percent of the total amounts made available under this paragraph.

B. DISBURSEMENT OF FUNDS:

- i. IN GENERAL: The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast region, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph that meets the following criteria:

- I. All projects, programs, and activities included in the plan are eligible activities pursuant to clauses (i) and (ii) of paragraph (1)(B).
- II. The projects, programs, and activities included in the plan contribute to the overall economic and ecological recovery of the Gulf Coast.
- III. The plan takes into consideration the Comprehensive Plan and is consistent with the goals and objectives of the Plan, as described in paragraph (2)(B)(i).
- ii. FUNDING:
 - I. IN GENERAL: Except as provided in subclause (II), the plan described in clause (i) may use not more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i).
 - II. EXCEPTION: The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i) if the plan certifies that:
 - aa. ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and
 - bb. additional investment in infrastructure is required to mitigate the impacts of the Deepwater Horizon Oil Spill to the ecosystem or economy.
- iii. DEVELOPMENT: The plan described in clause (i) shall be developed by:
 - I. in the State of Alabama, the Alabama Gulf Coast Recovery Council established under paragraph (1)(F)(i);
 - II. in the State of Florida, a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county;
 - III. in the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana;
 - IV. in the State of Mississippi, the Office of the Governor or an appointee of the Office of the Governor; and
 - V. in the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.
- iv. APPROVAL: Not later than 60 days after the date on which a plan is submitted under clause (i), the Council shall approve or disapprove the plan based on the conditions of clause (i).
- C. DISAPPROVAL: If the Council disapproves a plan pursuant to subparagraph (B)(iv), the Council shall:
 - i. provide the reasons for disapproval in writing; and
 - ii. consult with the State to address any identified deficiencies with the State plan.
- D. FAILURE TO SUBMIT ADEQUATE PLAN: If a State fails to submit an adequate plan under this paragraph, any funds made available under

this paragraph shall remain in the Trust Fund until such date as a plan is submitted and approved pursuant to this paragraph.

E. JUDICIAL REVIEW: If the Council fails to approve or take action within 60 days on a plan, as described in subparagraph (B)(iv), the State may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

F. COST-SHARING:

- i. IN GENERAL: A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State or coastal political subdivision under this paragraph to satisfy the non-Federal share of any project or program that:
 - I. is authorized by other Federal law; and
 - II. is an eligible activity described in clause (i) or (ii) of paragraph (1)(B).
- ii. EFFECT ON OTHER FUNDS: The use of funds made available from the Trust Fund under this paragraph to satisfy the non-Federal share of the cost of a project or program described in clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

4. AUTHORIZATION OF INTEREST TRANSFERS: Of the total amount made available for any fiscal year from the Trust Fund that is equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year:

A. 50 percent shall be divided equally between:

- i. the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program authorized in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and
- ii. the centers of excellence research grants authorized in section 1605 of that Act; and

B. 50 percent shall be made available to the Gulf Coast Ecosystem Restoration Council to carry out the Comprehensive Plan pursuant to paragraph (2).”.

SEC. 1604. GULF COAST ECOSYSTEM RESTORATION SCIENCE, OBSERVATION, MONITORING, AND TECHNOLOGY PROGRAM:

a. DEFINITIONS: In this section:

1. ADMINISTRATOR: The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.
2. COMMISSION: The term “Commission” means the Gulf States Marine Fisheries Commission.
3. DIRECTOR: The term “Director” means the Director of the United States Fish and Wildlife Service.
4. PROGRAM: The term “program” means the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program established under this section.

b. ESTABLISHMENT OF PROGRAM:

1. IN GENERAL: Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director, shall establish the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program to carry out research, observation, and monitoring to support, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.
2. EXPENDITURE OF FUNDS: For each fiscal year, amounts made available to carry out this subsection may be expended for, with respect to the Gulf of Mexico—
 - A. marine and estuarine research;
 - B. marine and estuarine ecosystem monitoring and ocean observation;
 - C. data collection and stock assessments;
 - D. pilot programs for:
 - i. fishery independent data; and
 - ii. reduction of exploitation of spawning aggregations; and
 - E. cooperative research.
3. COOPERATION WITH THE COMMISSION: For each fiscal year, amounts made available to carry out this subsection may be transferred to the Commission to establish a fisheries monitoring and research program, with respect to the Gulf of Mexico.
4. CONSULTATION: The Administrator and the Director shall consult with the Regional Gulf of Mexico Fishery Management Council and the Commission in carrying out the program.
- c. SPECIES INCLUDED: The research, monitoring, assessment, and programs eligible for amounts made available under the program shall include all marine, estuarine, aquaculture, and fish species in State and Federal waters of the Gulf of Mexico.
- d. RESEARCH PRIORITIES: In distributing funding under this subsection, priority shall be given to integrated, long-term projects that:
 1. build on, or are coordinated with, related research activities; and
 2. address current or anticipated marine ecosystem, fishery, or wildlife management information needs.
- e. DUPLICATION: In carrying out this section, the Administrator, in consultation with the Director, shall seek to avoid duplication of other research and monitoring activities.
- f. COORDINATION WITH OTHER PROGRAMS: The Administrator, in consultation with the Director, shall develop a plan for the coordination of projects and activities between the program and other existing Federal and State science and technology programs in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, as well as between the centers of excellence.
- g. LIMITATION ON EXPENDITURES:
 1. IN GENERAL: Not more than 3 percent of funds provided in subsection (h) shall be used for administrative expenses.
 2. NOAA: The funds provided in subsection (h) may not be used:
 - A. for any existing or planned research led by the National Oceanic and Atmospheric Administration, unless agreed to in writing by the grant recipient;
 - B. to implement existing regulations or initiate new regulations promulgated or proposed by the National Oceanic and Atmospheric Administration; or
 - C. to develop or approve a new limited access privilege program (as that term is used in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Councils.
- h. FUNDING: Of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 2.5 percent shall be available to carry out the program.

- i. SUNSET: The program shall cease operations when all funds in the Gulf Coast Restoration Trust Fund established under section 1602 have been expended.

SEC. 1605. CENTERS OF EXCELLENCE RESEARCH GRANTS:

- a. IN GENERAL: Of the total amount made available for each fiscal year from the Gulf Coast Restoration Trust Fund established under section 1602, 2.5 percent shall be made available to the Gulf Coast States (as defined in section 311(a) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012)), in equal shares, exclusively for grants in accordance with subsection (c) to establish centers of excellence to conduct research only on the Gulf Coast Region (as defined in section 311 of the Federal Water Pollution Control Act (33. U.S.C. 1321)).
- b. APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY: The duties of a Gulf Coast State under this section shall be carried out by the applicable Gulf Coast State entities, task forces, or agencies listed in section 311(t)(1)(F) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012), and for the State of Florida, a consortium of public and private research institutions within the State, which shall include the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, for that Gulf Coast State.
- c. GRANTS:
 1. IN GENERAL: A Gulf Coast State shall use the amounts made available to carry out this section to award competitive grants to nongovernmental entities and consortia in the Gulf Coast region (including public and private institutions of higher education) for the establishment of centers of excellence as described in subsection (d).
 2. APPLICATION: To be eligible to receive a grant under this subsection, an entity or consortium described in paragraph (1) shall submit to a Gulf Coast State an application at such time, in such manner, and containing such information as the Gulf Coast State determines to be appropriate.
 3. PRIORITY: In awarding grants under this subsection, a Gulf Coast State shall give priority to entities and consortia that demonstrate the ability to establish the broadest cross section of participants with interest and expertise in any discipline described in subsection (d) on which the proposal of the center of excellence will be focused.
 4. REPORTING:
 - A. IN GENERAL: Each Gulf Coast State shall provide annually to the Gulf Coast Ecosystem Restoration Council established under section 311(t)(2)(C) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012) information regarding all grants, including the amount, discipline or disciplines, and recipients of the grants, and in the case of any grant awarded to a consortium, the membership of the consortium.
 - B. INCLUSION: The Gulf Coast Ecosystem Restoration Council shall include the information received under subparagraph (A) in the annual report to Congress of the Council required under section 311(t)(2)(C)(vii)(VII) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012).
- d. DISCIPLINES: Each center of excellence shall focus on science, technology, and monitoring in at least 1 of the following disciplines:

1. Coastal and deltaic sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast Region.
2. Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region.
3. Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the Gulf of Mexico.
4. Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region.
5. Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

SEC. 1606. EFFECT:

- a. **DEFINITION OF DEEPWATER HORIZON OIL SPILL:** In this section, the term “Deepwater Horizon oil spill” has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).
- b. **EFFECT AND APPLICATION:** Nothing in this subtitle or any amendment made by this subtitle:
 1. supersedes or otherwise affects any other provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) and laws for the protection of public health and the environment; or
 2. applies to any fine collected under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for any incident other than the Deepwater Horizon oil spill.
- c. **USE OF FUNDS:** Funds made available under this subtitle may be used only for eligible activities specifically authorized by this subtitle and the amendments made by this subtitle.

SEC. 1607. RESTORATION AND PROTECTION ACTIVITY LIMITATIONS:

- a. **WILLING SELLER:** Funds made available under this subtitle may only be used to acquire land or interests in land by purchase, exchange, or donation from a willing seller.
- b. **ACQUISITION OF FEDERAL LAND:** None of the funds made available under this subtitle may be used to acquire land in fee title by the Federal Government unless:
 1. the land is acquired by exchange or donation; or
 2. the acquisition is necessary for the restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region and has the concurrence of the Governor of the State in which the acquisition will take place.

SEC. 1608. INSPECTOR GENERAL: The Office of the Inspector General of the Department of the Treasury shall have authority to conduct, supervise, and coordinate audits and investigations of projects, programs, and activities funded under this subtitle and the amendments made by this subtitle.

Title 2: America Fast Forward Financing Innovation

SEC. 2001. SHORT TITLE: This title may be cited as the “America Fast Forward Financing Innovation Act of 2012”.

SEC. 2002. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS: Sections 601 through 609 of title 23, United States Code, are amended to read as follows:

§ 601. Generally applicable provisions:

- a. **DEFINITIONS:** In this chapter, the following definitions apply:

1. CONTINGENT COMMITMENT: The term 'contingent commitment' means a commitment to obligate an amount from future available budget authority that is:
 - A. contingent on those funds being made available in law at a future date; and
 - B. not an obligation of the Federal Government.
2. ELIGIBLE PROJECT COSTS: The term 'eligible project costs' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of:
 - A. development phase activities, including planning, feasibility analysis, revenue forecasting, environmental

Florida Government in the Sunshine Overview

Overview of Ethics and Sunshine Laws

August 18, 2015
Office of General Counsel
University of West Florida

Sunshine Laws Overview The Sunshine Laws

F.S. Chapter 286, the “Open Meetings Law,” often referred to as the “Sunshine Law” protects the public from “closed door” decision making and provides a right of access to governmental meetings.

F.S. Chapter 119, the “Public Records Law,” creates a right of access to records made or received in connection with official business of a public body.

Sunshine Laws Overview Open Meetings



Chapter 286, Florida Statutes, applies to all meetings of any board or commission of any state agency with decision making authority. It requires:

All meetings of the Board must be **open meetings** (public must be given a reasonable opportunity to attend: considerations of accessibility, distance, chilling effect of meetings at meals).

Reasonable notice of Board meetings (generally, seven days published notice is Board practice).

Minutes of meetings must be promptly recorded and made available for inspection

Sunshine Laws Overview Meetings



- Includes any discussions or deliberations, formal or casual, between two or more Board members about a matter on which the Board might foreseeably take action.
- Includes workshops, telephone conversations, e-mail communications, social and sports events, seeing each other at the grocery store.
- Generally, staff is not subject to Open Meetings law, but a staff member may not function as a go-between. In other words, you may meet individually with staff, but these meetings may not substitute for public meetings of the Board. Staff should not be used to carry information among Board members.

Sunshine Laws Overview Written Reports



The use of a written report by one Board member to inform other members of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law if prior to the meeting, there is no interaction related to the report among the members. In such cases, the report, which is subject to disclosure under the Public Records Act, is not being used as a substitute for action at a public meeting as there is no response from or interaction among the commissioners prior to the meeting.

Florida Institute of Government, *Florida's Code of Ethics, Sunshine Law and Public Records Act*

Sunshine Laws Overview Blogging



Board members may conduct informal discussions and workshops over the Internet, provided that proper notice is given, and interactive access by the public is provided. However, the use of an electronic bulletin board to discuss matters over an extended period of days or weeks, which does not permit the public to participate online, violates the Sunshine Law by circumventing the notice and access provisions of that law. In addition, for meetings where a quorum is necessary for action to be taken, physical presence of the members making up the quorum would be required in the absence of a statute providing otherwise.

Sunshine Laws Overview Exemptions



There are a number of exemptions to required disclosures under Chapter 119 (Public Records Law). However, the existence of an exemption under Chapter 119 does not imply an exemption from Chapter 286 (Open Meetings Law). There are exemptions allowing out of the Sunshine meetings with counsel (i.e. collective bargaining negotiations; settlement offers in litigation); however, they are narrow exemptions. Caution is advised.

Sunshine Laws Overview Don't Even Think About It



"Every thought, as well as every affirmative act, of a public official as it relates to and is within the scope of his official duties, is a matter of public concern; and it is the entire *decision-making process* that the legislature intended to affect by the enactment of the statute before us."

Florida Institute of Government, *Florida's Code of Ethics, Sunshine Law and Public Records Act*

Sunshine Laws Overview Public Meetings - Penalties



Criminal Penalties

- Any member of a board or commission or of any state agency or authority of a county, municipal corporation, or political subdivision who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. A person convicted of a second degree misdemeanor may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to \$500.
- Conduct which occurs outside the state which constitutes a knowing violation of the Sunshine Law is a second degree misdemeanor. Such violations are prosecuted in the county in which the board or commission normally conducts its official business.

Removal From Office

- When a method for removal from office is not otherwise provided by the Constitution or by law, the Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties. If convicted, the officer may be removed from office by executive order of the Governor.

Noncriminal Infractions

- Section 286.011(3)(a), Florida Statutes, imposes noncriminal penalties for violations of the Sunshine Law by providing that any public officer violating the provisions of the Sunshine Law is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500. The state attorney may pursue such actions on behalf of the state.

Sunshine Laws Overview Public Records



Florida Statutes Chapter 119 defines Public Records as:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material *regardless of physical form or means of transmission* made or received pursuant to law in connection with transaction of official business by the agency. There is also a constitutional right of access to public records established by Article I, Section 24 of the Florida Constitution.

It is content that determines whether a document is a public record, not the media upon which it is recorded.

Sunshine Laws Overview Public Records Exemptions



There are a number of exemptions from disclosure under the Public Records law, including, but not limited to:

- Employee's Social Security numbers
- Employee's Medical information
- Personnel information prior to 7/1/95
- Academic evaluations of faculty
- Disciplinary records while discipline is in process
- Student records under FERPA or Section 1002.22, F.S

Sunshine Laws Overview Keep It or Pitch It?



If the purpose of a document prepared in connection with the official business of a public agency is to perpetuate, communicate, *or* formalize knowledge, then it is a public record regardless of whether it is in final form or the ultimate product of an agency.

If it is a public record, consult retention schedules prior to destruction.

Florida Institute of Government, *Florida's Code of Ethics, Sunshine Law and Public Records Act*

Sunshine Laws Overview Public Records Requests



What do you do if you get a Public Records Request?

Contact the General Counsel's office for guidance. We generally respond to these on behalf of the University.

Time to respond is "reasonable" - no delays permitted

Although only the custodian is charged with the duty to maintain, any person having public records in his or her possession is obliged to disclose them upon request.

Sunshine Laws Overview Public Records Penalties



Penalties for violations range from fines to incarceration

Note that attorney's fees are recoverable against the agency even where access is denied on a good faith but mistaken belief that the documents are exempt from disclosure.

Sunshine Laws Overview Resources



The Florida Attorney General oversees compliance with the Sunshine Laws. Visit www.myfloridalegal.com for information on the Sunshine Law, including FAQ's, searches, views, and downloads of the Sunshine Manual and related materials. Attorney General Toll Free Number: 1-866-966-7226

Much of this material is taken from the course offered by the Florida Institute of Government entitled *Florida's Code of Ethics, Sunshine Law and Public Records Act*. Please Advise General Counsel if you would like to register for the full course.

Florida Government in the Sunshine Statutory Language

The 2015 Florida Statutes

Title XIX Public Officers, Employees and Records

Chapter 119 Public Records

119.01 General State Policy on Public Records:

1. It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.
2. -----
 - a. Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.
 - b. When designing or acquiring an electronic recordkeeping system, an agency must consider whether such system is capable of providing data in some common format such as, but not limited to, the American Standard Code for Information Interchange.
 - c. An agency may not enter into a contract for the creation or maintenance of a public records database if that contract impairs the ability of the public to inspect or copy the public records of the agency, including public records that are online or stored in an electronic recordkeeping system used by the agency.
 - d. Subject to the restrictions of copyright and trade secret laws and public records exemptions, agency use of proprietary software must not diminish the right of the public to inspect and copy a public record.
 - e. Providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.
 - f. Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).
3. If public funds are expended by an agency in payment of dues or membership contributions for any person, corporation, foundation, trust, association, group, or other organization, all the financial, business, and membership records of that person, corporation, foundation, trust, association, group, or other organization which pertain to the public agency are public records and subject to the provisions of s. 119.07.

119.011 Definitions: As used in this chapter, the term:

1. "Actual cost of duplication" means the cost of the material and supplies used to duplicate the public record, but does not include labor cost or overhead cost associated with such duplication.

2. "Agency" means 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.
3. -----
 - a. "Criminal intelligence information" means information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.
 - b. "Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.
 - c. "Criminal intelligence information" and "criminal investigative information" shall not include:
 1. The time, date, location, and nature of a reported crime.
 2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.071(2)(h).
 3. The time, date, and location of the incident and of the arrest.
 4. The crime charged.
 5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.071(2)(h), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:
 - a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and
 - b. Impair the ability of a state attorney to locate or prosecute a codefendant.
 6. Informations and indictments except as provided in s. 905.26.
 - d. The word "active" shall have the following meaning:
 1. Criminal intelligence information shall be considered "active" as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities.
 2. Criminal investigative information shall be considered "active" as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future.

In addition, criminal intelligence and criminal investigative information shall be considered "active" while such information is directly related to pending prosecutions or appeals. The word "active" shall not apply to information in cases which are barred from prosecution under the provisions of s. 775.15 or other statute of limitation.

4. "Criminal justice agency" means:
 - a. Any law enforcement agency, court, or prosecutor;
 - b. Any other agency charged by law with criminal law enforcement duties;
 - c. Any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution or for the purpose of litigating civil actions under the Racketeer Influenced and Corrupt Organization Act, during the time that such

agencies are in possession of criminal intelligence information or criminal investigative information pursuant to their criminal law enforcement duties; or

- d. The Department of Corrections.
5. "Custodian of public records" means the elected or appointed state, county, or municipal officer charged with the responsibility of maintaining the office having public records, or his or her designee.
6. "Data processing software" means the programs and routines used to employ and control the capabilities of data processing hardware, including, but not limited to, operating systems, compilers, assemblers, utilities, library routines, maintenance routines, applications, and computer networking programs.
7. "Duplicated copies" means new copies produced by duplicating, as defined in s. 283.30.
8. "Exemption" means a provision of general law which provides that a specified record or meeting, or portion thereof, is not subject to the access requirements of s. 119.07(1), s. 286.011, or s. 24, Art. I of the State Constitution.
9. "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.
10. "Paratransit" has the same meaning as provided in s. 427.011.
11. "Proprietary software" means data processing software that is protected by copyright or trade secret laws.
12. "Public records" means all 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 connection with the transaction of official business by any agency.
13. "Redact" means to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.
14. "Sensitive," for purposes of defining agency-produced software that is sensitive, means only those portions of data processing software, including the specifications and documentation, which are used to:
 - a. Collect, process, store, and retrieve information that is exempt from s. 119.07(1);
 - b. Collect, process, store, and retrieve financial management information of the agency, such as payroll and accounting records; or
 - c. Control and direct access authorizations and security measures for automated systems.

119.021 Custodial requirements; Maintenance, Preservation, and Retention of Public Records:

1. Public records shall be maintained and preserved as follows:
 - a. All public records should be kept in the buildings in which they are ordinarily used.
 - b. Insofar as practicable, a custodian of public records of vital, permanent, or archival records shall keep them in fireproof and waterproof safes, vaults, or rooms fitted with noncombustible materials and in such arrangement as to be easily accessible for convenient use.
 - c. -----
 1. Record books should be copied or repaired, renovated, or rebound if worn, mutilated, damaged, or difficult to read.
 2. Whenever any state, county, or municipal records are in need of repair, restoration, or rebinding, the head of the concerned state agency, department, board, or commission; the board of county commissioners of such county; or the governing body of such municipality may authorize that such records be removed from the building or office in which such records are ordinarily kept for the length of time required to repair, restore, or rebind them.

3. Any public official who causes a record book to be copied shall attest and certify under oath that the copy is an accurate copy of the original book. The copy shall then have the force and effect of the original.
2. -----
 - a. The Division of Library and Information Services of the Department of State shall adopt rules to establish retention schedules and a disposal process for public records.
 - b. Each agency shall comply with the rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division.
 - c. Each public official shall systematically dispose of records no longer needed, subject to the consent of the records and information management program of the division in accordance with s. 257.36.
 - d. The division may ascertain the condition of public records and shall give advice and assistance to public officials to solve problems related to the preservation, creation, filing, and public accessibility of public records in their custody. Public officials shall assist the division by preparing an inclusive inventory of categories of public records in their custody. The division shall establish a time period for the retention or disposal of each series of records. Upon the completion of the inventory and schedule, the division shall, subject to the availability of necessary space, staff, and other facilities for such purposes, make space available in its records center for the filing of semicurrent records so scheduled and in its archives for noncurrent records of permanent value, and shall render such other assistance as needed, including the microfilming of records so scheduled.
3. Agency final orders rendered before July 1, 2015, that were indexed or listed pursuant to s. 120.53, and agency final orders rendered on or after July 1, 2015, that must be listed or copies of which must be transmitted to the Division of Administrative Hearings pursuant to s. 120.53, have continuing legal significance; therefore, notwithstanding any other provision of this chapter or any provision of chapter 257, each agency shall permanently maintain records of such orders pursuant to the applicable rules of the Department of State.
4. -----
 - a. Whoever has custody of any public records shall deliver, at the expiration of his or her term of office, to his or her successor or, if there be none, to the records and information management program of the Division of Library and Information Services of the Department of State, all public records kept or received by him or her in the transaction of official business.
 - b. Whoever is entitled to custody of public records shall demand them from any person having illegal possession of them, who must forthwith deliver the same to him or her. Any person unlawfully possessing public records must within 10 days deliver such records to the lawful custodian of public records unless just cause exists for failing to deliver such records.

119.035 Officers-Elect:

1. It is the policy of this state that the provisions of this chapter apply to officers-elect upon their election to public office. Such officers-elect shall adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in this chapter.
2. Public records of an officer-elect shall be maintained in accordance with the policies and procedures of the public office to which the officer has been elected.
3. If an officer-elect, individually or as part of a transition process, creates or uses an online or electronic communication or recordkeeping system, all public records maintained on such system shall be preserved so as not to impair the ability of the public to inspect or copy such public records.

4. Upon taking the oath of office, the officer-elect shall, as soon as practicable, deliver to the person or persons responsible for records and information management in such office all public records kept or received in the transaction of official business during the period following election to public office.
5. As used in this section, the term “officer-elect” means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

119.07 Inspection and Copying of Records; Photographing Public Records; Fees; Exemptions:

1. -----
 - a. Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.
 - b. A custodian of public records or a person having custody of public records may designate another officer or employee of the agency to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy public records.
 - c. A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.
 - d. A person who has custody of a public record who asserts that an exemption applies to a part of such record shall redact that portion of the record to which an exemption has been asserted and validly applies, and such person shall produce the remainder of such record for inspection and copying.
 - e. If the person who has custody of a public record contends that all or part of the record is exempt from inspection and copying, he or she shall state the basis of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.
 - f. If requested by the person seeking to inspect or copy the record, the custodian of public records shall state in writing and with particularity the reasons for the conclusion that the record is exempt or confidential.
 - g. In any civil action in which an exemption to this section is asserted, if the exemption is alleged to exist under or by virtue of s. 119.071(1)(d) or (f), (2)(d), (e), or (f), or (4)(c), the public record or part thereof in question shall be submitted to the court for an inspection in camera. If an exemption is alleged to exist under or by virtue of s. 119.071(2)(c), an inspection in camera is discretionary with the court. If the court finds that the asserted exemption is not applicable, it shall order the public record or part thereof in question to be immediately produced for inspection or copying as requested by the person seeking such access.
 - h. Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.
 - i. The absence of a civil action instituted for the purpose stated in paragraph (g) does not relieve the custodian of public records of the duty to maintain the record as a public

record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

2. -----
 - a. As an additional means of inspecting or copying public records, a custodian of public records may provide access to public records by remote electronic means, provided exempt or confidential information is not disclosed.
 - b. The custodian of public records shall provide safeguards to protect the contents of public records from unauthorized remote electronic access or alteration and to prevent the disclosure or modification of those portions of public records which are exempt or confidential from subsection (1) or s. 24, Art. I of the State Constitution.
 - c. Unless otherwise required by law, the custodian of public records may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access. Fees for remote electronic access provided to the general public shall be in accordance with the provisions of this section.
3. -----
 - a. Any person shall have the right of access to public records for the purpose of making photographs of the record while such record is in the possession, custody, and control of the custodian of public records.
 - b. This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public records but excludes the duplication of microfilm in the possession of the clerk of the circuit court where a copy of the microfilm may be made available by the clerk.
 - c. Photographing public records shall be done under the supervision of the custodian of public records, who may adopt and enforce reasonable rules governing the photographing of such records.
 - d. Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the custodian of public records, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record pursuant to paragraph (4)(e).
4. The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law. If a fee is not prescribed by law, the following fees are authorized:
 - a. -----
 1. Up to 15 cents per one-sided copy for duplicated copies of not more than 14 inches by 8 1/2 inches.
 2. No more than an additional 5 cents for each two-sided copy; and
 3. For all other copies, the actual cost of duplication of the public record.
 - b. The charge for copies of county maps or aerial photographs supplied by county constitutional officers may also include a reasonable charge for the labor and overhead associated with their duplication.
 - c. An agency may charge up to \$1 per copy for a certified copy of a public record.
 - d. If the nature or volume of public records requested to be inspected or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such

extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

- e. -----
1. Where provision of another room or place is necessary to photograph public records, the expense of providing the same shall be paid by the person desiring to photograph the public records.
 2. The custodian of public records may charge the person making the photographs for supervision services at a rate of compensation to be agreed upon by the person desiring to make the photographs and the custodian of public records. If they fail to agree as to the appropriate charge, the charge shall be determined by the custodian of public records.
5. When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. If the ballots are being examined before the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.
 6. An exemption contained in this chapter or in any other general or special law shall not limit the access of the Auditor General, the Office of Program Policy Analysis and Government Accountability, or any state, county, municipal, university, board of community college, school district, or special district internal auditor to public records when such person states in writing that such records are needed for a properly authorized audit, examination, or investigation. Such person shall maintain the exempt or confidential status of that public record and shall be subject to the same penalties as the custodian of that record for public disclosure of such record.
 7. An exemption from this section does not imply an exemption from s. 286.011. The exemption from s. 286.011 must be expressly provided.
 8. The provisions of this section are not intended to expand or limit the provisions of Rule 3.220, Florida Rules of Criminal Procedure, regarding the right and extent of discovery by the state or by a defendant in a criminal prosecution or in collateral postconviction proceedings. This section may not be used by any inmate as the basis for failing to timely litigate any postconviction action.

119.0701 Contracts; Public records:

1. For purposes of this section, the term:
 - a. "Contractor" means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).
 - b. "Public agency" means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.
2. In addition to other contract requirements provided by law, each public agency contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:
 - a. Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service.
 - b. Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.
 - c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

- d. Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.
- 3. If a contractor does not comply with a public records request, the public agency shall enforce the contract provisions in accordance with the contract.

119.071 General Exemptions from Inspection or Copying of Public Records:

- 1. Agency Administration:
 - a. Examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure, certification, or employment are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. A person who has taken such an examination has the right to review his or her own completed examination.
 - b. -----
 - 1. For purposes of this paragraph, “competitive solicitation” means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.
 - 2. Sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.
 - 3. If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.
 - 4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.
 - c. Any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - d. -----
 - 1. A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency or employed or retained by another public officer or agency to protect or represent the interests of the agency having custody of the record) or prepared at the attorney’s express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the conclusion of the litigation or adversarial administrative proceedings. For purposes of capital collateral litigation as set forth in s. 27.7001, the Attorney General’s office is entitled to claim this

exemption for those public records prepared for direct appeal as well as for all capital collateral litigation after direct appeal until execution of sentence or imposition of a life sentence.

2. This exemption is not waived by the release of such public record to another public employee or officer of the same agency or any person consulted by the agency attorney. When asserting the right to withhold a public record pursuant to this paragraph, the agency shall identify the potential parties to any such criminal or civil litigation or adversarial administrative proceedings. If a court finds that the document or other record has been improperly withheld under this paragraph, the party seeking access to such document or record shall be awarded reasonable attorney's fees and costs in addition to any other remedy ordered by the court.

- e. Any videotape or video signal that, under an agreement with an agency, is produced, made, or received by, or is in the custody of, a federally licensed radio or television station or its agent is exempt from s. 119.07(1).
- f. Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and agency-produced data processing software that is sensitive are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The designation of agency-produced software as sensitive shall not prohibit an agency head from sharing or exchanging such software with another public agency.

- 2. -----
 - a. All criminal intelligence and criminal investigative information received by a criminal justice agency prior to January 25, 1979, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - b. Whenever criminal intelligence information or criminal investigative information held by a non-Florida criminal justice agency is available to a Florida criminal justice agency only on a confidential or similarly restricted basis, the Florida criminal justice agency may obtain and use such information in accordance with the conditions imposed by the providing agency.
 - c. -----
 - 1. Active criminal intelligence information and active criminal investigative information are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - 2. -----
 - a. A request made by a law enforcement agency to inspect or copy a public record that is in the custody of another agency and the custodian's response to the request, and any information that would identify whether a law enforcement agency has requested or received that public record are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, during the period in which the information constitutes active criminal intelligence information or active criminal investigative information.
 - b. The law enforcement agency that made the request to inspect or copy a public record shall give notice to the custodial agency when the criminal intelligence information or criminal investigative information is no longer active so that the request made by the law enforcement agency, the custodian's response to the request, and information that would identify whether the law enforcement agency had requested or received that public record are available to the public.

- c. This exemption is remedial in nature, and it is the intent of the Legislature that the exemption be applied to requests for information received before, on, or after the effective date of this paragraph.
- d. Any information revealing surveillance techniques or procedures or personnel is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any comprehensive inventory of state and local law enforcement resources compiled pursuant to part I, chapter 23, and any comprehensive policies or plans compiled by a criminal justice agency pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency, as defined in s. 252.34, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and unavailable for inspection, except by personnel authorized by a state or local law enforcement agency, the office of the Governor, the Department of Legal Affairs, the Department of Law Enforcement, or the Division of Emergency Management as having an official need for access to the inventory or comprehensive policies or plans.
- e. Any information revealing the substance of a confession of a person arrested is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, until such time as the criminal case is finally determined by adjudication, dismissal, or other final disposition.
- f. Any information revealing the identity of a confidential informant or a confidential source is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- g. -----
 - 1. All complaints and other records in the custody of any agency which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, or marital status in connection with hiring practices, position classifications, salary, benefits, discipline, discharge, employee performance, evaluation, or other related activities are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.
 - a. This exemption does not affect any function or activity of the Florida Commission on Human Relation.
 - b. Any state or federal agency that is authorized to have access to such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties.
 - 2. If an alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- h. -----
 - 1. The following criminal intelligence information or criminal investigative information is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- a. Any information that reveals the identity of the victim of the crime of child abuse as defined by chapter 827 or that reveals the identity of a person under the age of 18 who is the victim of the crime of human trafficking proscribed in s. 787.06(3)(a).
 - b. Any information that may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in s. 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796, chapter 800, chapter 827, or chapter 847.
 - c. A photograph, videotape, or image of any part of the body of the victim of a sexual offense prohibited under s. 787.06(3)(b), (d), (f), or (g), chapter 794, chapter 796, chapter 800, s. 810.145, chapter 827, or chapter 847, regardless of whether the photograph, videotape, or image identifies the victim.
2. Criminal investigative information and criminal intelligence information made confidential and exempt under this paragraph may be disclosed by a law enforcement agency:
 - a. In the furtherance of its official duties and responsibilities.
 - b. For print, publication, or broadcast if the law enforcement agency determines that such release would assist in locating or identifying a person that such agency believes to be missing or endangered. The information provided should be limited to that needed to identify or locate the victim and not include the sexual nature of the offense committed against the person.
 - c. To another governmental agency in the furtherance of its official duties and responsibilities.
3. This exemption applies to such confidential and exempt criminal intelligence information or criminal investigative information held by a law enforcement agency before, on, or after the effective date of the exemption.
4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.
- i. Any criminal intelligence information or criminal investigative information that reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of the crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- j. -----
 1. Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime, which document is received by any agency that regularly receives information from or concerning the victims of crime, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any information not otherwise held

confidential or exempt from s. 119.07(1) which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, upon written request by the victim, which must include official verification that an applicable crime has occurred. Such information shall cease to be exempt 5 years after the receipt of the written request. Any state or federal agency that is authorized to have access to such documents by any provision of law shall be granted such access in the furtherance of such agency's statutory duties, notwithstanding this section.

2. -----
 - a. Any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145, which reveals that minor's identity, including, but not limited to, the minor's face; the minor's home, school, church, or employment telephone number; the minor's home, school, church, or employment address; the name of the minor's school, church, or place of employment; or the personal assets of the minor; and which identifies that minor as the victim of a crime described in this subparagraph, held by a law enforcement agency, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Any governmental agency that is authorized to have access to such statements by any provision of law shall be granted such access in the furtherance of the agency's statutory duties, notwithstanding the provisions of this section.
 - b. A public employee or officer who has access to a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct proscribed in chapter 800 or in s. 794.011, s. 827.071, s. 847.012, s. 847.0125, s. 847.013, s. 847.0133, or s. 847.0145 may not willfully and knowingly disclose videotaped information that reveals the minor's identity to a person who is not assisting in the investigation or prosecution of the alleged offense or to any person other than the defendant, the defendant's attorney, or a person specified in an order entered by the court having jurisdiction of the alleged offense. A person who violates this provision commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

- k. -----
 1. A complaint of misconduct filed with an agency against an agency employee and all information obtained pursuant to an

investigation by the agency of the complaint of misconduct is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or until the agency provides written notice to the employee who is the subject of the complaint, either personally or by mail, that the agency has either:

- a. Concluded the investigation with a finding not to proceed with disciplinary action or file charges; or
 - b. Concluded the investigation with a finding to proceed with disciplinary action or file charges.
2. Subparagraph 1. is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

1. -----
 1. As used in this paragraph, the term:
 - a. “Body camera” means a portable electronic recording device that is worn on a law enforcement officer’s body and that records audio and video data in the course of the officer performing his or her official duties and responsibilities.
 - b. “Law enforcement officer” has the same meaning as provided in s. 943.10.
 - c. “Personal representative” means a parent, a court-appointed guardian, an attorney, or an agent of, or a person holding a power of attorney for, a person recorded by a body camera. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person; the deceased person’s surviving spouse, parent, or adult child; the deceased person’s attorney or agent; or the parent or guardian of a surviving minor child of the deceased. An agent must possess written authorization of the recorded person to act on his or her behalf.
 2. A body camera recording, or a portion thereof, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the recording:
 - a. Is taken within the interior of a private residence;
 - b. Is taken within the interior of a facility that offers health care, mental health care, or social services; or
 - c. Is taken in a place that a reasonable person would expect to be private.
 3. Notwithstanding subparagraph 2., a body camera recording may be disclosed by a law enforcement agency:
 - a. In furtherance of its official duties and responsibilities; or
 - b. To another governmental agency in the furtherance of its official duties and responsibilities.
 4. A body camera recording, or a portion thereof, shall be disclosed by a law enforcement agency:

- a. To a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the person's presence in the recording;
 - b. To the personal representative of a person recorded by a body camera; however, a law enforcement agency may disclose only those portions that are relevant to the represented person's presence in the recording;
 - c. To a person not depicted in a body camera recording if the recording depicts a place in which the person lawfully resided, dwelled, or lodged at the time of the recording; however, a law enforcement agency may disclose only those portions that record the interior of such a place.
 - d. Pursuant to a court order.
 - I. In addition to any other grounds the court may consider in determining whether to order that a body camera recording be disclosed, the court shall consider whether:
 - A. Disclosure is necessary to advance a compelling interest;
 - B. The recording contains information that is otherwise exempt or confidential and exempt under the law;
 - C. The person requesting disclosure is seeking to obtain evidence to determine legal issues in a case in which the person is a party;
 - D. Disclosure would reveal information regarding a person that is of a highly sensitive personal nature;
 - E. Disclosure may harm the reputation or jeopardize the safety of a person depicted in the recording;
 - F. Confidentiality is necessary to prevent a serious and imminent threat to the fair, impartial, and orderly administration of justice;
 - G. The recording could be redacted to protect privacy interests; and
 - H. There is good cause to disclose all or portions of a recording.
 - II. In any proceeding regarding the disclosure of a body camera recording, the law enforcement agency that made the recording shall be given reasonable notice of hearings and shall be given an opportunity to participate.
- 5. A law enforcement agency must retain a body camera recording for at least 90 days.
 - 6. The exemption provided in subparagraph 2. applies retroactively,

7. This exemption does not supersede any other public records exemption that existed before or is created after the effective date of this exemption. Those portions of a recording which are protected from disclosure by another public records exemption shall continue to be exempt or confidential and exempt.
8. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

3. Security:

a. -----

1. As used in this paragraph, the term "security system plan" includes all:
 - a. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
 - b. Threat assessments conducted by any agency or any private entity;
 - c. Threat response plans;
 - d. Emergency evacuation plans;
 - e. Sheltering arrangements; or
 - f. Manuals for security personnel, emergency equipment, or security training.
2. A security system plan or portion thereof for:
 - a. Any property owned by or leased to the state or any of its political subdivisions; or
 - b. Any privately owned or leased property

held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to security system plans held by an agency before, on, or after the effective date of this paragraph.

3. Information made confidential and exempt by this paragraph may be disclosed by the custodian of public records to:
 - a. The property owner or leaseholder; or
 - b. Another state or federal agency to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism, or to prosecute those persons who are responsible for such attempts or acts.

b. -----

1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
2. This exemption applies to building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final

formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency before, on, or after the effective date of this act.

3. Information made exempt by this paragraph may be disclosed:
 - a. To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities;
 - b. To a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an agency; or
 - c. Upon a showing of good cause before a court of competent jurisdiction.
4. The entities or persons receiving such information shall maintain the exempt status of the information.

- c. -----
1. Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout or structural elements of an attractions and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development, which records are held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 2. This exemption applies to any such records held by an agency before, on, or after the effective date of this act.
 3. Information made exempt by this paragraph may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to the owner or owners of the structure in question or the owner's legal representative; or upon a showing of good cause before a court of competent jurisdiction.
 4. This paragraph does not apply to comprehensive plans or site plans, or amendments thereto, which are submitted for approval or which have been approved under local land development regulations, local zoning regulations, or development-of-regional-impact review.
 5. As used in this paragraph, the term:
 - a. "Attractions and recreation facility" means any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility that:
 - I. For single-performance facilities:
 - A. Provides single-performance facilities;
 - or
 - B. Provides more than 10,000 permanent seats for spectators.
 - II. For serial-performance facilities:

- A. Provides parking spaces for more than 1,000 motor vehicles; or
 - B. Provides more than 4,000 permanent seats for spectators.
- b. “Entertainment or resort complex” means a theme park comprised of at least 25 acres of land with permanent exhibitions and a variety of recreational activities, which has at least 1 million visitors annually who pay admission fees thereto, together with any lodging, dining, and recreational facilities located adjacent to, contiguous to, or in close proximity to the theme park, as long as the owners or operators of the theme park, or a parent or related company or subsidiary thereof, has an equity interest in the lodging, dining, or recreational facilities or is in privity therewith. Close proximity includes an area within a 5-mile radius of the theme park complex.
- c. “Industrial complex” means any industrial, manufacturing, processing, distribution, warehousing, or wholesale facility or plant, as well as accessory uses and structures, under common ownership that:
 - I. Provides onsite parking for more than 250 motor vehicles;
 - II. Encompasses 500,000 square feet or more of gross floor area; or
 - III. Occupies a site of 100 acres or more, but excluding wholesale facilities or plants that primarily serve or deal onsite with the general public.
- d. “Retail and service development” means any retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite and is operated under one common property ownership, development plan, or management that:
 - I. Encompasses more than 400,000 square feet of gross floor area; or
 - II. Provides parking spaces for more than 2,500 motor vehicles.
- e. “Office development” means any office building or park operated under common ownership, development plan, or management that encompasses 300,000 or more square feet of gross floor area.
- f. “Hotel or motel development” means any hotel or motel development that accommodates 350 or more units.

4. Agency Personnel Information:

- a. -----
 - 1. The social security numbers of all current and former agency employees which are held by the employing agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. The social security numbers of current and former agency employees may be disclosed by the employing agency:
 - a. If disclosure of the social security number is expressly required by federal or state law or a court order.
 - b. To another agency or governmental entity if disclosure of the social security number is necessary for the receiving agency or entity to perform its duties and responsibilities.
 - c. If the current or former agency employee expressly consents in writing to the disclosure of his or her social security number.
- b. -----
 1. Medical information pertaining to a prospective, current, or former officer or employee of an agency which, if disclosed, would identify that officer or employee is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission or pursuant to court order.\
 2. -----
 - a. Personal identifying information of a dependent child of a current or former officer or employee of an agency, which dependent child is insured by an agency group insurance plan, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this exemption, "dependent child" has the same meaning as in s. 409.2554.
 - b. This exemption is remedial in nature and applies to such personal identifying information held by an agency before, on, or after the effective date of this exemption.
- c. Any information revealing undercover personnel of any criminal justice agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- d. -----
 1. For purposes of this paragraph, the term "telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.
 2. -----
 - a. -----
 - I. The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of active or former sworn or civilian law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or

neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1).

II. The names of the spouses and children of active or former sworn or civilian law enforcement personnel and the other specified agency personnel identified in sub-sub-subparagraph (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

III. Sub-sub-subparagraph (II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

b. The home addresses, telephone numbers, dates of birth, and photographs of firefighters certified in compliance with s. 633.408; the home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1).

c. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1).

d.-----

I. The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state

- attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- II. The names of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- III. Sub-sub-subparagraph (II) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.
- e. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer provides a written statement that the general magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support hearing officer has made reasonable efforts to protect such information from being accessible through other means available to the public.
- f. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local

government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

- g. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- h. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public.
- i. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- j. -----
 - I. The home addresses, telephone numbers, dates of birth, and photographs of current or former

public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

II. The names of the spouses and children of the specified agency personnel identified in sub-sub-subparagraph (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

k. The home addresses, telephone numbers, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the investigator or inspector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

l. The home addresses and telephone numbers of county tax collectors; the names, home addresses, telephone numbers, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the county tax collector has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand

repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the personnel have made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

n. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if a consultant or employee has made reasonable efforts to protect such information from being accessible through other means available to the public. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee

submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.
5. Except as otherwise expressly provided in this paragraph, this paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

5. Other personal information:

a. -----

1. -----

- a. The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes.
- b. The Legislature recognizes that the social security number can be used as a tool to perpetuate fraud against an individual and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual.
- c. The Legislature intends to monitor the use of social security numbers held by agencies in order to maintain a balanced public policy.

2. -----

- a. An agency may not collect an individual's social security number unless the agency has stated in writing the purpose for its collection and unless it is:
 - I. Specifically authorized by law to do so; or
 - II. Imperative for the performance of that agency's duties and responsibilities as prescribed by law.
 - b. An agency shall identify in writing the specific federal or state law governing the collection, use, or release of social security numbers for each purpose for which the agency collects the social security number, including any authorized exceptions that apply to such collection, use, or release. Each agency shall ensure that the collection, use, or release of social security numbers complies with the specific applicable federal or state law.
 - c. Social security numbers collected by an agency may not be used by that agency for any purpose other than the purpose provided in the written statement.
3. An agency collecting an individual's social security number shall provide that individual with a copy of the written statement required in subparagraph 2. The written statement also shall state

whether collection of the individual's social security number is authorized or mandatory under federal or state law.

4. Each agency shall review whether its collection of social security numbers is in compliance with subparagraph 2. If the agency determines that collection of a social security number is not in compliance with subparagraph 2., the agency shall immediately discontinue the collection of social security numbers for that purpose.
5. Social security numbers held by an agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to social security numbers held by an agency before, on, or after the effective date of this exemption. This exemption does not supersede any federal law prohibiting the release of social security numbers or any other applicable public records exemption for social security numbers existing prior to May 13, 2002, or created thereafter.
6. Social security numbers held by an agency may be disclosed if any of the following apply:
 - a. The disclosure of the social security number is expressly required by federal or state law or a court order.
 - b. The disclosure of the social security number is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
 - c. The individual expressly consents in writing to the disclosure of his or her social security number.
 - d. The disclosure of the social security number is made to comply with the USA Patriot Act of 2001, Pub. L. No. 107-56, or Presidential Executive Order 13224.
 - e. The disclosure of the social security number is made to a commercial entity for the permissible uses set forth in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. ss. 6801 et seq., provided that the authorized commercial entity complies with the requirements of this paragraph.
 - f. The disclosure of the social security number is for the purpose of the administration of health benefits for an agency employee or his or her dependents.
 - g. The disclosure of the social security number is for the purpose of the administration of a pension fund administered for the agency employee's retirement fund, deferred compensation plan, or defined contribution plan.
 - h. The disclosure of the social security number is for the purpose of the administration of the Uniform Commercial Code by the office of the Secretary of State.
7. -----
 - a. For purposes of this subsection, the term:
 - I. "Commercial activity" means the permissible uses set forth in the federal Driver's Privacy

Protection Act of 1994, 18 U.S.C. ss. 2721 et seq.; the Fair Credit Reporting Act, 15 U.S.C. ss. 1681 et seq.; or the Financial Services Modernization Act of 1999, 15 U.S.C. ss. 6801 et seq., or verification of the accuracy of personal information received by a commercial entity in the normal course of its business, including identification or prevention of fraud or matching, verifying, or retrieving information. It does not include the display or bulk sale of social security numbers to the public or the distribution of such numbers to any customer that is not identifiable by the commercial entity.

II. "Commercial entity" means any corporation, partnership, limited partnership, proprietorship, sole proprietorship, firm, enterprise, franchise, or association that performs a commercial activity in this state.

b. An agency may not deny a commercial entity engaged in the performance of a commercial activity access to social security numbers, provided the social security numbers will be used only in the performance of a commercial activity and provided the commercial entity makes a written request for the social security numbers.

The written request must:

- I. Be verified as provided in s. 92.525;
- II. Be legibly signed by an authorized officer, employee, or agent of the commercial entity;
- III. Contain the commercial entity's name, business mailing and location addresses, and business telephone number; and
- IV. Contain a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the performance of a commercial activity, including the identification of any specific federal or state law that permits such use.

c. An agency may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.

8. -----

a. Any person who makes a false representation in order to obtain a social security number pursuant to this paragraph, or any person who willfully and knowingly violates this paragraph, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

- b. Any public officer who violates this paragraph commits a noncriminal infraction, punishable by a fine not exceeding \$500 per violation.
- 9. Any affected person may petition the circuit court for an order directing compliance with this paragraph.
- b. Bank account numbers and debit, charge, and credit card numbers held by an agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to bank account numbers and debit, charge, and credit card numbers held by an agency before, on, or after the effective date of this exemption.
- c. -----
 - 1. For purposes of this paragraph, the term:
 - a. “Child” means any person younger than 18 years of age.
 - b. “Government-sponsored recreation program” means a program for which an agency assumes responsibility for a child participating in that program, including, but not limited to, after-school programs, athletic programs, nature programs, summer camps, or other recreational programs.
 - 2. Information that would identify or locate a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - 3. Information that would identify or locate a parent or guardian of a child who participates in a government-sponsored recreation program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - 4. This exemption applies to records held before, on, or after the effective date of this exemption.
- d. All records supplied by a telecommunications company, as defined by s. 364.02, to an agency which contain the name, address, and telephone number of subscribers are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- e. Any information provided to an agency for the purpose of forming ridesharing arrangements, which information reveals the identity of an individual who has provided his or her name for ridesharing, as defined in s. 341.031, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- f. Medical history records and information related to health or property insurance provided to the Department of Economic Opportunity, the Florida Housing Finance Corporation, a county, a municipality, or a local housing finance agency by an applicant for or a participant in a federal, state, or local housing assistance program are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Governmental entities or their agents shall have access to such confidential and exempt records and information for the purpose of auditing federal, state, or local housing programs or housing assistance programs. Such confidential and exempt records and information may be used in any administrative or judicial proceeding, provided such records are kept confidential and exempt unless otherwise ordered by a court.
- g. Biometric identification information held by an agency before, on, or after the effective date of this exemption is exempt from s. 119.07(1) and

s. 24(a), Art. I of the State Constitution. As used in this paragraph, the term “biometric identification information” means:

1. Any record of friction ridge detail;
2. Fingerprints;
3. Palm prints; and
4. Footprints.

- h. -----
1. Personal identifying information of an applicant for or a recipient of paratransit services which is held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 2. This exemption applies to personal identifying information of an applicant for or a recipient of paratransit services which is held by an agency before, on, or after the effective date of this exemption.
 3. Confidential and exempt personal identifying information shall be disclosed:
 - a. With the express written consent of the applicant or recipient or the legally authorized representative of such applicant or recipient.
 - b. In a medical emergency, but only to the extent that is necessary to protect the health or life of the applicant or recipient;
 - c. By court order upon a showing of good cause; or
 - d. To another agency in the performance of its duties and responsibilities.
- i. -----
1. For purposes of this paragraph, “identification and location information” means the:
 - a. Home address, telephone number, and photograph of a current or former United States attorney, assistant United States attorney, judge of the United States Courts of Appeal, United States district judge, or United States magistrate;
 - b. Home address, telephone number, photograph, and place of employment of the spouse or child of such attorney, judge, or magistrate; and
 - c. Name and location of the school or day care facility attended by the child of such attorney, judge, or magistrate.
 2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if such attorney, judge, or magistrate submits to an agency that has custody of the identification and location information:
 - a. A written request to exempt such information from public disclosure; and
 - b. A written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.

- j. -----
1. Any information furnished by a person to an agency for the purpose of being provided with emergency notification by the agency, including the person's name, address, telephone number, e-mail address, or other electronic communication address, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to information held by an agency before, on, or after the effective date of this exemption.
 2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.
- k. -----
1. For purposes of this paragraph, the term:
 - a. "Identification and location information" means the:
 - I. Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device.
 - II. Home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse's or dependent's personal communication device.
 - III. Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.
 - b. "Servicemember" means a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001.
 2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if a servicemember submits to an agency that has custody of the identification and location information.
 - a. A written request to exempt the identification and location information from public disclosure; and
 - b. A written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.
 3. This exemption applies to identification and location information held by an agency before, on, or after the effective date of this exemption.
 4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

119.0711 Executive Branch Agency Exemptions from Inspection or Copying of Public Records:

When an agency of the executive branch of state government seeks to acquire real property by purchase or through the exercise of the power of eminent domain, all appraisals, other reports relating to value, offers, and counteroffers must be in writing and are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until execution of a valid option contract or a written offer to sell that has been conditionally accepted by the agency, at which time the exemption shall expire. The agency shall not finally accept the offer for a period of 30 days in order to allow public review of the transaction. The agency may give conditional acceptance to any option or offer subject only to final acceptance by the agency after the 30-day review period. If a valid option contract is not executed, or if a written offer to sell is not conditionally accepted by the agency, then the exemption shall expire at the conclusion of the condemnation litigation of the subject property. An agency of the executive branch may exempt title information, including names and addresses of property owners whose property is subject to acquisition by purchase or through the exercise of the power of eminent domain, from s. 119.07(1) and s. 24(a), Art. I of the State Constitution to the same extent as appraisals, other reports relating to value, offers, and counteroffers. For the purpose of this subsection, the term “option contract” means an agreement of an agency of the executive branch of state government to purchase real property subject to final agency approval. This subsection has no application to other exemptions from s. 119.07(1) which are contained in other provisions of law and shall not be construed to be an express or implied repeal thereof.

119.0712 Executive Branch Agency; Specific Exemptions from Inspection or Copying of Public Records:

1. Department of Health: All personal identifying information contained in records relating to an individual’s personal health or eligibility for health-related services held by the Department of Health is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this subsection. Information made confidential and exempt by this subsection shall be disclosed:
 - a. With the express written consent of the individual or the individual’s legally authorized representative.
 - b. In a medical emergency, but only to the extent necessary to protect the health or life of the individual.
 - c. By court order upon a showing of good cause.
 - d. To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with s. 119.07(4). The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information that would permit the identification of persons, limit the use of records or data to the approved research protocol, and prohibit any other use of the records or data. Copies of records or data issued pursuant to this paragraph remain the property of the department.
2. Department of Highway Safety and Motor Vehicles:
 - a. For purposes of this subsection, the term “motor vehicle record” means any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles.
 - b. Personal information, including highly restricted personal information as defined in 18 U.S.C. s. 2725, contained in a motor vehicle record is confidential pursuant to the federal

Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Such information may be released only as authorized by that act; however, information received pursuant to that act may not be used for mass commercial solicitation of clients for litigation against motor vehicle dealers.

- c. E-mail addresses collected by the Department of Highway Safety and Motor Vehicles pursuant to s. 319.40(3), s. 320.95(2), or s. 322.08(8) are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies retroactively. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

d. -----

- 1. Emergency contact information contained in a motor vehicle record is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
- 2. Without the express consent of the person to whom such emergency contact information applies, the emergency contact information contained in a motor vehicle record may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency.

3. Office of Financial Regulation:

- a. The following information held by the Office of Financial Regulation before, on, or after July 1, 2011, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
 - 1. Any information received from another state or federal regulatory, administrative, or criminal justice agency that is otherwise confidential or exempt pursuant to the laws of that state or pursuant to federal law.
 - 2. Any information that is received or developed by the office as part of a joint or multiagency examination or investigation with another state or federal regulatory, administrative, or criminal justice agency. The office may obtain and use the information in accordance with the conditions imposed by the joint or multiagency agreement. This exemption does not apply to information obtained or developed by the office that would otherwise be available for public inspection if the office had conducted an independent examination or investigation under Florida law.
- b. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.

119.0713 Local Government Agency Exemptions from Inspection or Copying of Public Records:

- 1. All complaints and other records in the custody of any unit of local government which relate to a complaint of discrimination relating to race, color, religion, sex, national origin, age, handicap, marital status, sale or rental of housing, the provision of brokerage services, or the financing of housing are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding. This provision does not affect any function or activity of the Florida Commission on Human Relations. Any state or federal agency that is authorized to access such complaints or records by any provision of law shall be granted such access in the furtherance of such agency's statutory duties. This subsection does not modify or repeal any special or local act.
- 2. -----
 - a. The audit report of an internal auditor and the investigative report of the inspector general prepared for or on behalf of a unit of local government becomes a public record when the

audit or investigation becomes final. As used in this subsection, the term “unit of local government” means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. An audit or investigation becomes final when the audit report or investigative report is presented to the unit of local government. Audit workpapers and notes related to such audit and information received, produced, or derived from an investigation are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the audit or investigation is complete and the audit report becomes final or when the investigation is no longer active. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

- b. Paragraph (a) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.
3. Any data, record, or document used directly or solely by a municipally owned utility to prepare and submit a bid relative to the sale, distribution, or use of any service, commodity, or tangible personal property to any customer or prospective customer is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption commences when a municipal utility identifies in writing a specific bid to which it intends to respond. This exemption no longer applies after the contract for sale, distribution, or use of the service, commodity, or tangible personal property is executed, a decision is made not to execute such contract, or the project is no longer under active consideration. The exemption in this subsection includes the bid documents actually furnished in response to the request for bids. However, the exemption for the bid documents submitted no longer applies after the bids are opened by the customer or prospective customer.
4. -----
 - a. Proprietary confidential business information means information, regardless of form or characteristics, which is held by an electric utility that is subject to chapter 119, is intended to be and is treated by the entity that provided the information to the electric utility as private in that the disclosure of the information would cause harm to the entity providing the information or its business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:
 1. Trade secrets.
 2. Internal auditing controls and reports of internal auditors.
 3. Security measures, systems, or procedures.
 4. Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the electric utility to contract for goods or services on favorable terms.
 5. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
 - b. Proprietary confidential business information held by an electric utility that is subject to chapter 119 in conjunction with a due diligence review of an electric project as defined in s. 163.01(3)(d) or a project to improve the delivery, cost, or diversification of fuel or renewable energy resources is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
 - c. All proprietary confidential business information described in paragraph (b) shall be retained for 1 year after the due diligence review has been completed and the electric utility has decided whether or not to participate in the project.

- d. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

119.0714 Court files; Court Records; Official Records:

1. Court files: Nothing in this chapter shall be construed to exempt from s. 119.07(1) a public record that was made a part of a court file and that is not specifically closed by order of court, except:
 - a. A public record that was prepared by an agency attorney or prepared at the attorney's express direction as provided in s. 119.071(1)(d).
 - b. Data processing software as provided in s. 119.071(1)(f).
 - c. Any information revealing surveillance techniques or procedures or personnel as provided in s. 119.071(2)(d).
 - d. Any comprehensive inventory of state and local law enforcement resources, and any comprehensive policies or plans compiled by a criminal justice agency, as provided in s. 119.071(2)(d).
 - e. Any information revealing the substance of a confession of a person arrested as provided in s. 119.071(2)(e).
 - f. Any information revealing the identity of a confidential informant or confidential source as provided in s. 119.071(2)(f).
 - g. Any information revealing undercover personnel of any criminal justice agency as provided in s. 119.071(4)(c).
 - h. Criminal intelligence information or criminal investigative information that is confidential and exempt as provided in s. 119.071(2)(h).
 - i. Social security numbers as provided in s. 119.071(5)(a).
 - j. Bank account numbers and debit, charge, and credit card numbers as provided in s. 119.071(5)(b).
2. Court records:
 - a. Until January 1, 2012, if a social security number or a bank account, debit, charge, or credit card number is included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number or by the holder's attorney or legal guardian.
 - b. A request for redaction must be a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the court. The clerk of the court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.
 - c. A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.
 - d. The clerk of the court has no liability for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, unknown to the clerk of the court in court records filed on or before January 1, 2012.
 - e. -----
 1. On January 1, 2012, and thereafter, the clerk of the court must keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.
 2. Section 119.071(5)(a)7. and 8. does not apply to the clerks of the court with respect to court records.
 - f. A request for maintenance of a public records exemption in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must specify the document type, name, identification number, and page number of the court record that contains the exempt information.

3. Official records: a person who prepares or files a record for recording in the official records as provided in chapter 28 may not include in that record a social security number or a bank account, debit, charge, or credit card number unless otherwise expressly required by law.
 - a. If a social security number or a bank account, debit, charge, or credit card number is included in an official record, such number may be made available as part of the official records available for public inspection and copying unless redaction is requested by the holder of such number or by the holder's attorney or legal guardian.
 1. If such record is in electronic format, on January 1, 2011, and thereafter, the county recorder must use his or her best effort, as provided in paragraph (d), to keep social security numbers confidential and exempt as provided for in s. 119.071(5)(a), and to keep complete bank account, debit, charge, and credit card numbers exempt as provided for in s. 119.071(5)(b), without any person having to request redaction.
 2. Section 119.071(5)(a)7. and 8. does not apply to the county recorder with respect to official records.
 - b. The holder of a social security number or a bank account, debit, charge, or credit card number, or the holder's attorney or legal guardian, may request that a county recorder redact from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the public, his or her social security number or bank account, debit, charge, or credit card number contained in that official record.
 1. A request for redaction must be a signed, legibly written request and must be delivered by mail, facsimile, electronic transmission, or in person to the county recorder. The request must specify the identification page number of the record that contains the number to be redacted.
 2. The county recorder does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction.
 3. A fee may not be charged for redacting a social security number or a bank account, debit, charge, or credit card number.
 - c. A county recorder shall immediately and conspicuously post signs throughout his or her offices for public viewing, and shall immediately and conspicuously post on any Internet website or remote electronic site made available by the county recorder and used for the ordering or display of official records or images or copies of official records, a notice stating, in substantially similar form, the following:
 1. On or after October 1, 2002, any person preparing or filing a record for recordation in the official records may not include a social security number or a bank account, debit, charge, or credit card number in such document unless required by law.
 2. Any person has a right to request a county recorder to remove from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records, or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. A fee may not be charged for the redaction of a social security number pursuant to such a request.
 - d. If the county recorder accepts or stores official records in an electronic format, the county recorder must use his or her best efforts to redact all social security numbers and bank

account, debit, charge, or credit card numbers from electronic copies of the official record. The use of an automated program for redaction is deemed to be the best effort in performing the redaction and is deemed in compliance with the requirements of this subsection.

- e. The county recorder is not liable for the inadvertent release of social security numbers, or bank account, debit, charge, or credit card numbers, filed with the county recorder.
- f. A request for maintenance of a public records exemption in s. 119.071(4)(d)2. made pursuant to s. 119.071(4)(d)3. must specify the document type, name, identification number, and page number of the official record that contains the exempt information.

119.084 Copyright of Data Processing Software Created by Governmental Agencies; Sale Price and Licensing Fee:

- 1. As used in this section, “agency” has the same meaning as in s. 119.011(2), except that the term does not include any private agency, person, partnership, corporation, or business entity.
- 2. An agency is authorized to acquire and hold a copyright for data processing software created by the agency and to enforce its rights pertaining to such copyright, provided that the agency complies with the requirements of this subsection.
 - a. An agency that has acquired a copyright for data processing software created by the agency may sell or license the copyrighted data processing software to any public agency or private person. The agency may establish a price for the sale and a licensing fee for the use of such data processing software that may be based on market considerations. However, the prices or fees for the sale or licensing of copyrighted data processing software to an individual or entity solely for application to information maintained or generated by the agency that created the copyrighted data processing software shall be determined pursuant to s. 119.07(4).
 - b. Proceeds from the sale or licensing of copyrighted data processing software shall be deposited by the agency into a trust fund for the agency’s appropriate use for authorized purposes. Counties, municipalities, and other political subdivisions of the state may designate how such sale and licensing proceeds are to be used.
 - c. The provisions of this subsection are supplemental to, and shall not supplant or repeal, any other provision of law that authorizes an agency to acquire and hold copyrights.

119.092 Registration by Federal Employer’s Registration Number: Each state agency which registers or licenses corporations, partnerships, or other business entities shall include, by July 1, 1978, within its numbering system, the federal employer’s identification number of each corporation, partnership, or other business entity registered or licensed by it. Any state agency may maintain a dual numbering system in which the federal employer’s identification number or the state agency’s own number is the primary identification number; however, the records of such state agency shall be designed in such a way that the record of any business entity is subject to direct location by the federal employer’s identification number. The Department of State shall keep a registry of federal employer’s identification numbers of all business entities, registered with the Division of Corporations, which registry of numbers may be used by all state agencies.

119.10 Violation of Chapter; Penalties:

- 1. Any public officer who:
 - a. Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.
 - b. Knowingly violates the provisions of s. 119.07(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Any person who willfully and knowingly violates:
 - a. Any of the provisions of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
 - b. Section 119.105 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

119.105 Protection of Victims of Crimes or Accidents: Police reports are public records except as otherwise made exempt or confidential. Every person is allowed to examine nonexempt or nonconfidential police reports. A person who comes into possession of exempt or confidential information contained in police reports may not use that information for any commercial solicitation of the victims or relatives of the victims of the reported crimes or accidents and may not knowingly disclose such information to any third party for the purpose of such solicitation during the period of time that information remains exempt or confidential. This section does not prohibit the publication of such information to the general public by any news media legally entitled to possess that information or the use of such information for any other data collection or analysis purposes by those entitled to possess that information.

119.11 Accelerated Hearing; Immediate Compliance:

1. Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases.
2. Whenever a court orders an agency to open its records for inspection in accordance with this chapter, the agency shall comply with such order within 48 hours, unless otherwise provided by the court issuing such order, or unless the appellate court issues a stay order within such 48-hour period.
3. A stay order shall not be issued unless the court determines that there is a substantial probability that opening the records for inspection will result in significant damage.
4. Upon service of a complaint, counterclaim, or cross-claim in a civil action brought to enforce the provisions of this chapter, the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy, or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption or the assertion that the requested record is not a public record subject to inspection and examination under s. 119.07(1), until the court directs otherwise. The person who has custody of such public record may, however, at any time permit inspection of the requested record as provided in s. 119.07(1) and other provisions of law.

119.12 Attorney's Fees: If a civil action is filed against an agency to enforce the provisions of this chapter and if the court determines that such agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award, against the agency responsible, the reasonable costs of enforcement including reasonable attorneys' fees.

119.15 Legislative Review of Exemptions from Public Meeting and Public Records Requirements:

1. This section may be cited as the "Open Government Sunset Review Act."
2. This section provides for the review and repeal or reenactment of an exemption from s. 24, Art. I of the State Constitution and s. 119.07(1) or s. 286.011. This act does not apply to an exemption that:
 - a. Is required by federal law; or
 - b. Applies solely to the Legislature or the State Court System.

3. In the 5th year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption shall be repealed on October 2nd of the 5th year, unless the Legislature acts to reenact the exemption.
4. -----
 - a. A law that enacts a new exemption or substantially amends an existing exemption must state that the record or meeting is:
 1. Exempt from s. 24, Art. I of the State Constitution;
 2. Exempt from s. 119.07(1) or s. 286.011; and
 3. Repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled repeal date.
 - b. For purposes of this section, an exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records. An exemption is not substantially amended if the amendment narrows the scope of the exemption.
 - c. This section is not intended to repeal an exemption that has been amended following legislative review before the scheduled repeal of the exemption if the exemption is not substantially amended as a result of the review.
5. -----
 - a. By June 1 in the year before the repeal of an exemption under this section, the Office of Legislative Services shall certify to the President of the Senate and the Speaker of the House of Representatives the language and statutory citation of each exemption scheduled for repeal the following year.
 - b. An exemption that is not identified and certified to the President of the Senate and the Speaker of the House of Representatives is not subject to legislative review and repeal under this section. If the office fails to certify an exemption that it subsequently determines should have been certified, it shall include the exemption in the following year's certification after that determination.
6. -----
 - a. As part of the review process, the Legislature shall consider the following:
 1. What specific records or meetings are affected by the exemption?
 2. Whom does the exemption uniquely affect, as opposed to the general public?
 3. What is the identifiable public purpose or goal of the exemption?
 4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
 5. Is the record or meeting protected by another exemption?
 6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?
 - b. An exemption may be created, revised, or maintained only if it serves an identifiable public purpose, and the exemption may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:
 1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
 2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this

subparagraph, only information that would identify the individuals may be exempted; or

3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.
7. Records made before the date of a repeal of an exemption under this section may not be made public unless otherwise provided by law. In deciding whether the records shall be made public, the Legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exemption of the type specified in subparagraph (6)(b)2. or subparagraph (6)(b)3. would occur if the records were made public.
8. Notwithstanding s. 768.28 or any other law, neither the state or its political subdivisions nor any other public body shall be made party to any suit in any court or incur any liability for the repeal or revival and reenactment of an exemption under this section. The failure of the Legislature to comply strictly with this section does not invalidate an otherwise valid reenactment.

The 2015 Florida Statutes

Title XIX Public Business

Chapter 286 Public Business: Miscellaneous Provisions

286.001 Reports Statutorily Required; Filing, Maintenance, Retrieval, and Provision of Copies:

1. Unless otherwise specifically provided by law, any agency or officer of the executive, legislative, or judicial branches of state government, the State Board of Education, the Board of Governors of the State University System, or the Public Service Commission required or authorized by law to make reports regularly or periodically shall fulfill such requirement by filing an abstract of the report with the statutorily or administratively designated recipients of the report and an abstract and one copy of the report with the Division of Library and Information Services of the Department of State, unless the head of the reporting entity makes a determination that the additional cost of providing the entire report to the statutorily or administratively designated recipients is justified. A one-page summary justifying the determination shall be submitted to the chairs of the governmental operations committees of both houses of the Legislature. The abstract of the contents of such report shall be no more than one-half page in length. The actual report shall be retained by the reporting agency or officer, and copies of the report shall be provided to interested parties and the statutorily or administratively designated recipients of the report upon request.
2. With respect to reports statutorily required of agencies or officers within the executive, legislative, or judicial branches of state government, the State Board of Education, the Board of Governors of the State University System, or the Public Service Commission, it is the duty of the division, in addition to its duties under s. 257.05, to:
 - a. Regularly compile and update bibliographic information on such reports for distribution as provided in paragraph (b). Such bibliographic information may be included in the bibliographies prepared by the division pursuant to s. 257.05(3).
 - b. Provide for at least quarterly distribution of bibliographic information on reports to:
 1. Agencies and officers within the executive, legislative, and judicial branches of state government, the State Board of Education, the Board of Governors of the State University System, and the Public Service Commission, free of charge; and
 2. Other interested parties upon request properly made and upon payment of the actual cost of duplication pursuant to s. 119.07(1).
3. As soon as practicable, the administrative head of each executive, legislative, or judicial agency and each agency of the State Board of Education, the Board of Governors of the State University System, and the Public Service Commission required by law to make reports periodically shall ensure that those reports are created, stored, managed, updated, retrieved, and disseminated through electronic means.
4. This section may not be construed to waive or modify the requirement in s. 257.05(2) pertaining to the provision of copies of state publications to the division.

286.0105 Notices of Meetings and Hearings must Advise that a Record is Required to Appeal: Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting

or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).

286.011 Public Meetings and Records; Public Inspection; Criminal and Civil Penalties:

1. All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.
2. The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.
3. -----
 - a. Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.
 - b. Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
 - c. Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
4. Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.
5. Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or

commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

6. All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.
7. Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.
8. Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:
 - a. The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.
 - b. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
 - c. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.
 - d. The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

286.0111 Legislative Review of Certain Exemptions from Requirements for Public Meetings and Recordkeeping by Governmental Entities: The provisions of s. 119.15, the Open Government Sunset Review Act, apply to the provisions of law which provide exemptions to s. 286.011, as provided in s. 119.15.

286.0113 General Exemptions from Public Meetings:

1. That portion of a meeting that would reveal a security system plan or portion thereof made confidential and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.
2. -----
 - a. For purposes of this subsection:

1. “Competitive solicitation” means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.
 2. “Team” means a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.
- b. -----
1. Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.
 2. Any portion of a team meeting at which negotiation strategies are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.
- c. -----
1. A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record.
 2. The recording of, and any records presented at, the exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.
 3. If the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A recording and any records presented at an exempt meeting are not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.
- d. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2016, unless reviewed and saved from repeal through reenactment by the Legislature.

286.0114 Public Meetings; Reasonable Opportunity to be Heard; Attorney Fees:

1. For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.
2. Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).
3. The requirements in subsection (2) do not apply to:

- a. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
 - b. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
 - c. A meeting that is exempt from s. 286.011; or
 - d. A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.
4. Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:
 - a. Provide guidelines regarding the amount of time an individual has to address the board or commission;
 - b. Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
 - c. Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
 - d. Designate a specified period of time for public comment.
5. If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.
6. A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.
7. -----
 - a. Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.
 - b. Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.
8. An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

286.01141 Criminal Justice Commissions; Public Meetings Exemption:

1. As used in this section, the term:
 - a. “Duly constituted criminal justice commission” means an advisory commission created by municipal or county ordinance whose membership is comprised of individuals from the private sector and the public sector and whose purpose is to examine local criminal justice issues.

- b. “Active” has the same meaning as provided in s. 119.011.
 - c. “Criminal intelligence information” has the same meaning as provided in s. 119.011.
 - d. “Criminal investigative information” has the same meaning as provided in s. 119.011.
2. That portion of a meeting of a duly constituted criminal justice commission at which members of the commission discuss active criminal intelligence information or active criminal investigative information that is currently being considered by, or which may foreseeably come before, the commission is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution, provided that at any public meeting of the criminal justice commission at which such matter is being considered, the commission members publicly disclose the fact that the matter has been discussed.
 3. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature.

286.0115 Access to Local Public Officials; Quasi-Judicial Proceedings on Local Government Land Use Matters:

1. -----
 - a. A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.
 - b. As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.
 - c. Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.
 1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.
 2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.
 3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

2. -----
- a. Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.
 - b. In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.
 - c. In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.
3. This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

286.012 Voting Requirement at Meetings of Governmental Bodies: A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

286.25 Publication or Statement of State Sponsorship: Any nongovernmental organization which sponsors a program financed partially by state funds or funds obtained from a state agency shall, in

publicizing, advertising, or describing the sponsorship of the program, state: "Sponsored by (name of organization) and the State of Florida." If the sponsorship reference is in written material, the words "State of Florida" shall appear in the same size letters or type as the name of the organization.

286.26 Accessibility of Public Meetings to the Physically Handicapped:

1. Whenever any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken receives, at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority, such chairperson or director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.
2. If an affected handicapped person objects in the written request, nothing contained in the provisions of this section shall be construed or interpreted to permit the use of human physical assistance to the physically handicapped in lieu of the construction or use of ramps or other mechanical devices in order to comply with the provisions of this section.

DRIVING DIRECTIONS TO THE BAYSIDE BALLROOM

From Highway 98 (from the EAST, Panama City):

- ✓ Turn RIGHT onto Sandestin Boulevard North (BAYSIDE of Sandestin)
- ✓ Stop and check-in with Security
- ✓ Immediately after Security Gate, continue STRAIGHT through the roundabout (following signs to **the Bayside**)
- ✓ Continue on Sandestin Boulevard North past the golf course and neighborhoods (Bayou Village, Harbor Point, Sandpiper and Northshore)
- ✓ After passing under the overpass, turn LEFT into parking lot
- ✓ Bayside Ballroom is located across the street from the parking with an awning leading to the ballroom.
- ✓ If you come to the main entrance of Bayside, you have passed the ballroom.

From Highway 98 (from the WEST, Pensacola / Ft. Walton Beach):

- ✓ Travel one mile east past Silver Sands Factory Outlet Center
- ✓ Turn LEFT onto Sandestin Boulevard North (BAYSIDE of Sandestin)
- ✓ Stop and check-in with Security
- ✓ Immediately after Security Gate, continue STRAIGHT through the roundabout (following signs to **the Bayside**)
- ✓ Continue on Sandestin Boulevard North past the golf course and neighborhoods (Bayou Village, Harbor Point, Sandpiper and Northshore)
- ✓ After passing under the overpass, turn LEFT into parking lot
- ✓ Bayside Ballroom is located across the street from the parking with an awning leading to the ballroom.
- ✓ If you come to the main entrance of Bayside, you have passed the ballroom.

PHYSICAL ADDRESS:

**160 SANDESTIN BLVD NORTH
Miramar Beach, FL 32550**

- Restaurants/Bars/Lounges**
- D Accheri Broken Egg Cafe
 - E Bayshore Marina Bar & Grill
 - F Caffe Sana
 - B Elephant Walk Restaurant
- Recreation/Business**
- A/D/G ATM
 - G Bayshore Conference Center
 - D/G Business Center
 - G Guest Registration Center
 - D Linkside Conference Center
 - F Wells Fargo Bank
- Recreation/Business**
- H Bayshore Golf Club
 - I Bunt Pine Golf Club
 - H Fawn Golf Club
 - D The Links Course
- Recreation/Business**
- E Bayshore Marina
 - C Beachside Green
 - E Bike Station
 - D Fitness Center
 - D Club 12
 - D Spa Sandestin
 - E Tennis Center
 - C The Dunes Putting Course

Designated "Resort Guest" Pools

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Beach Safety for Sandestin

Sandestin adheres to a uniform code system for swimming safety that is also presently used in Walton County. The flag colors and their meanings are as follows:

Green - Conditions are favorable for swimming.

Yellow - Use caution when venturing into the water.

One Red - Swimming not advised. Keep high, too high.

Two Red - Water is closed to public use, subject to fine.

Purple - Marine pests present (jellyfish, stingrays or dangerous fish).

Tram Service for Sandestin

Trams run on two continuous loops departing each stop every 30 minutes. Beach Express runs continuously from The Grand Sandestin to the beach only.

Download the FREE Explore Sandestin App to find where Sandestin trams are and other helpful resort information.

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Village route to Beach and back

Beachside route to Beach and back

Beach Express (jaccos at)

For Tram hours, please download the Sandestin app or ask the concierge.

Proper ID, required to ride tram. Hours of operation subject to change without notice.

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Gulf of Mexico