

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**MILITARY AND VETERANS AFFAIRS, SPACE, AND  
DOMESTIC SECURITY**

**Senator Altman, Chair**  
**Senator Gibson, Vice Chair**

**MEETING DATE:** Wednesday, March 4, 2015

**TIME:** 1:00 —3:00 p.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Evers, Sachs, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 620</b> Richter (Similar H 7007)	Emergency Management; Exempting certain employees from specified travel expense provisions when traveling under the Emergency Management Assistance Compact under certain circumstances, etc.  MS      03/04/2015 Favorable GO FP	Favorable Yeas 4 Nays 0
2	<b>SB 674</b> Evers (Compare CS/H 185)	Public Records/Military Special Operations Unit Service Members; Providing an exemption from public records requirements for certain personal identifying information of current or former servicemembers of military special operations units and the spouses and children of such servicemembers; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  MS      03/04/2015 Fav/CS GO RC	Fav/CS Yeas 4 Nays 0
3	<b>SB 686</b> Lee (Identical CS/H 361)	Military Housing Ad Valorem Tax Exemptions; Providing that certain leasehold interests and improvements to land owned by the United States, a branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States are exempt from ad valorem taxation under specified circumstances; providing that such leasehold interests and improvements are entitled to an exemption from ad valorem taxation without an application being filed for the exemption or the property appraiser approving the exemption, etc.  MS      03/04/2015 Favorable FT AP	Favorable Yeas 4 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Military and Veterans Affairs, Space, and Domestic Security  
Wednesday, March 4, 2015, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 876</b> Dean (Identical H 801)	Beirut Memorial; Requiring the Department of Management Services to establish a Beirut Memorial, subject to legislative appropriation; requiring the Department of Management Services to coordinate with the Division of Historical Resources regarding design and placement of the memorial, etc.  MS 03/04/2015 Favorable AGG FP	Favorable Yeas 4 Nays 0

Other Related Meeting Documents

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

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

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

BILL: SB 620

INTRODUCER: Senator Richter

SUBJECT: Emergency Management

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	<b>Favorable</b>
2.			GO	
3.			FP	

## I. Summary:

SB 620 provides that the per diem expense reimbursement provisions under s. 112.061, F.S., do not apply to state employees traveling on an Emergency Management Assistance Compact (EMAC) mission when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

EMAC is an agreement between all 50 states to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state. EMAC directs all member states that receive aid from another member state pursuant to EMAC to reimburse the aiding member state for its expenses. Florida's current per diem limits may prevent a state employee from being fully reimbursed when certain EMAC missions take place in states where expenses exceed authorized reimbursement levels.

## II. Present Situation:

### Florida Division of Emergency Management

Florida's Division of Emergency Management (DEM) administers programs to rapidly apply all available aid to communities stricken by emergency.<sup>1</sup> The DEM is responsible for maintaining a comprehensive statewide program of emergency management to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts. In doing so, DEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.<sup>2</sup>

<sup>1</sup> Section 14.2016, F.S.

<sup>2</sup> Section 252.35(1), F.S.

DEM is administratively housed within the Executive Office of the Governor, and the Governor appoints DEM's Director, who is responsible for all matters under DEM's jurisdiction.

### **Emergency Management Assistance Compact**

Although DEM's primary role is to assist Florida communities, DEM also coordinates Florida's emergency assistance to other states. Accordingly, DEM manages Florida's participation in the Emergency Management Assistance Compact (EMAC).<sup>3</sup>

EMAC is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all other United States territorial possessions to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state.<sup>4</sup> The emergency may arise from a natural or manmade disaster, technological hazard, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.<sup>5</sup>

The U.S. Congress passed a joint resolution that granted consent for the creation of EMAC in 1996.<sup>6</sup> The Florida Legislature authorized Florida's participation in EMAC the same year.<sup>7</sup>

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<sup>3</sup> See ss. 252.921-252.933, F.S.

<sup>4</sup> Section 252.922(1), F.S.

<sup>5</sup> Section 251.922(2), F.S.

<sup>6</sup> Public Law 104-321 - Oct. 19, 1996

<sup>7</sup> Chapter 96-244, L.O.F.

EMAC offers assistance through a responsive, straightforward system that allows states to send personnel, equipment, and commodities to help disaster relief efforts in other states.<sup>8</sup> The DEM acts as the conduit to coordinate the exchange of resources through EMAC. Since 2010 the DEM has deployed the following 143 personnel assets to other states:<sup>9</sup>

Mission	Number Deployed	Location	Event
Deputy Operations Chief	1	Hawaii	Hurricanes Julio / Iselle (2014)
Hazard mitigation grant experts	2	Colorado	Flood (2013)
Public information specialist to assist with operations Joint Field Office	2	Alaska	Flood (2013)
State Volunteer Agency Liaison	1	Alaska	Flood (2013)
Law enforcement strike teams	28	New Jersey	Hurricane Sandy (2012)
Region IV Support Team to assist in staffing Emergency Operations Center	10	New York	Hurricane Sandy (2012)
Donations Management Coordinator	1	New Jersey	Hurricane Sandy (2012)
Personnel able to support NYC Emergency Operations Center	14	New York	Hurricane Sandy (2012)
Donations Coordinator	1	New York	Hurricane Sandy (2012)
Governor's Office of Volunteerism	1	New Jersey	Hurricane Sandy (2012)
Finance personnel to assist NYC Emergency Operations Center	1	New York	Hurricane Sandy (2012)
Field operations (door to door)	2	New York	Hurricane Sandy (2012)
Request for assistance with mass care/feeding	2	Maryland	Hurricane Sandy (2012)
Need for mitigation officer	2	Vermont	Hurricane Irene (2011)
Emergency Support Function 6: Mass Care support	1	New Jersey	Hurricane Irene (2011)
Donations Manager	1	New York	Tropical Storm Lee (2011)
Emergency Operations Center support team	17	New York	Hurricane Irene (2011)
Mitigation personnel	3	Tennessee	Flood (2011)
Cadaver Dog Team	7	Alabama	Tornadoes (2011)
Communication teams	2	Alabama	Tornadoes (2011)
Volunteer donations coordinator	1	Missouri	Tornadoes (2011)
Volunteer donations coordinator	1	Alabama	Tornadoes (2011)
Public Information Officer	2	Alabama	Tornadoes (2011)
Individual Assistance Personnel	5	Mississippi	Severe weather (2011)
Air Craft Crew Chiefs for oil spill	15	Louisiana	Deep Water Horizon (2010)
National Guard	20	Louisiana	Deep Water Horizon (2010)

<sup>8</sup> Emergency Management Assistance Compact website. *What is EMAC?*  
<http://www.emacweb.org/index.php/learnaboutemac/what-is-emac> (last visited February 18, 2015).

<sup>9</sup> E-mail correspondence with the Florida Division of Emergency Management on Feb. 19, 2015. (On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.)

There are two main parties who participate in the EMAC process: the state who requests assistance (requesting state) and the state who deploys resources (assisting state). In order to execute an agreement, both parties must follow these steps:<sup>10</sup>

1. Governor declares a state of emergency due to a natural or man-made disaster/emergency.
2. Affected state assesses resource needs and identifies shortfalls for which assistance will be requested.
3. State requests resources from EMAC member states through the state emergency management agencies.
4. State emergency management personnel and local resource providers work together to identify available resources and estimated mission costs.
5. The requesting and assisting states execute the EMAC Form REQ-A.<sup>11</sup>
6. Personnel deploying under EMAC are given a Mission Order Authorization Form which outlines the mission, helpful information, and guidance.
7. Resources are sent to the requesting state from the assisting state (i.e. mobilized and deployed).
8. When mission is completed, resources return to home state (i.e. demobilized and redeployed).
9. Deployed personnel provide receipts/records and work with home state to develop and review reimbursement package(s).
10. Reimbursement package sent to requesting state.
11. Requesting state reimburses assisting state.<sup>12</sup>

Any assisting state that renders aid to a requesting state pursuant to EMAC must be reimbursed by the requesting state that receives such aid. Specifically, the requesting state is required to reimburse the assisting state for "any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the cost incurred in connection with such requests."<sup>13</sup> However, an assisting state may assume in whole or in part the costs of the aid it provides and may donate or loan equipment or services as it wishes.<sup>14</sup> In addition, any two or more member states are authorized to enter into supplementary agreements establishing a particular allocation of costs among such states.<sup>15</sup>

Items eligible for reimbursement by the requesting state are listed on the REQ-A form including the per diem rate for personnel deployed by the assisting state. Unless otherwise specified, per

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<sup>10</sup> EMAC Library, *Being Deployed Under EMAC? What You Need to Know*, EMACWeb.org, <http://www.emacweb.org/index.php/mutualaidresources/emac-library/44/254-emac-deployment-brochure/file> (last visited February 27, 2015).

<sup>11</sup> The REQ-A is the official form used by states to request, offer, and accept assistance through EMAC. It is also the basis for reimbursement.

<sup>12</sup> If the assisting state seeks FEMA reimbursement under a Presidential Major Disaster Declaration, this will not change or alter EMAC reimbursement requirements and procedures.

<sup>13</sup> Section 252.929, F.S.

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

<sup>15</sup> *Id.*

diem rates stated in a REQ-A represent the per diem rates of the location to which personnel are being deployed – that is, the rates of the requesting state. However, Florida does not allow travel reimbursement for EMAC missions to exceed the rates and limitations established in the Florida Statutes.

### **Per Diem and Travel Expenses**

The Legislature has standardized travel reimbursement rates, procedures, and limitations, with certain exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid for by a public agency.<sup>16</sup> All travel must be authorized by the head of the agency, or his or her designated representative, from whose funds the travel is paid. In addition, travel expenses should be limited to those necessarily incurred in pursuance of a public purpose.<sup>17</sup> State law establishes the following three categories of travel:

- Class A – Continuous travel of 24 hours or more away from official headquarters<sup>18</sup>
- Class B – Continuous travel of less than 24 hours which involves overnight absence from official headquarters<sup>19</sup>
- Class C – Travel for short or day trips where the traveler is not away from his or her official headquarters overnight<sup>20</sup>

Currently, Florida allows \$80 per diem for Class A and B travel.<sup>21</sup> If expenses exceed \$80, the state will pay a maximum of \$36 (\$6 for breakfast, \$11 for lunch, and \$19 for dinner) in addition to the actual expenses for lodging at a single-occupancy rate supported by paid bills.<sup>22</sup> Class C travel is not reimbursed on a per diem basis, but instead for each meal during which the travel occurred.<sup>23</sup> The General Service Administration (GSA) establishes reimbursement rates for travel, meals, and incidental expenses for those traveling under the authorization of the Federal government.<sup>24</sup> At a minimum, the GSA provides \$41 a day for meals and \$5 for incidental expenses for each day of travel in addition to the actual expenses for lodging.<sup>25</sup>

### **III. Effect of Proposed Changes:**

The bill creates s. 252.9335, F.S., to exempt an employee of the state or of a political subdivision of the state traveling at the request of another state through the Emergency Management Assistance Compact (EMAC) from travel expense reimbursement provisions in s. 112.061, F.S.

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<sup>16</sup> Section 112.061(1), F.S.

<sup>17</sup> Section 112.061(3), F.S.

<sup>18</sup> Section 112.061(2)(k), F.S.

<sup>19</sup> Section 112.061(2)(l), F.S.

<sup>20</sup> Section 112.061(2)(m), F.S.

<sup>21</sup> Section 112.061(6), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 112.061(5)(b), F.S.

<sup>24</sup> U.S. General Services Administration, *Frequently Asked Questions, Per Diem*, <http://www.gsa.gov/portal/content/104208> (last visited February 27, 2015).

<sup>25</sup> Standard rates for the contiguous United States and Washington, D.C. (CONUS) is determined by the GSA for each fiscal year effective on October 1. However, some areas that fall within the boundaries of CONUS are more expensive for travel than others. Reimbursement rates for states and territories that are not part of the contiguous United States (OCNUS) are defined by the Department of Defense.

This will allow an EMAC traveler to be reimbursed for an amount that exceeds Florida's per diem expense limitations.

The bill also makes a technical change to s. 252.921, F.S., to identify the sections of Florida Statute that may be cited as the Emergency Management Assistance Compact.

This bill will take effect upon becoming law.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will allow personnel from Florida traveling under the Emergency Management Assistance Compact (EMAC) to be reimbursed for per diem expenses that exceed Florida's per diem rates. The per diem rates for travel under EMAC are decided in the request agreement and vary based on the location of the EMAC mission and the cost of living at that location.

C. Government Sector Impact:

The bill may require a Florida agency that is sponsoring personnel traveling under the Emergency Management Assistance Compact to reimburse the individual at a per diem rate that is higher than the amount prescribed in statute. However, this expense is later reimbursed by the state requesting assistance from Florida.

#### **VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 252.921 of the Florida Statutes.

This bill creates section 252.9335 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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

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By Senator Richter

23-00754-15

2015620\_\_

A bill to be entitled

An act relating to emergency management; amending s.  
252.921, F.S.; revising a short title provision;  
creating s. 252.9335, F.S.; exempting certain  
employees from specified travel expense provisions  
when traveling under the Emergency Management  
Assistance Compact under certain circumstances;  
providing an effective date.

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

Section 1. Section 252.921, Florida Statutes, is amended to  
read:

252.921 Short title.—Sections 252.921-252.933 ~~This part~~ may  
be cited as the "Emergency Management Assistance Compact."

Section 2. Section 252.9335, Florida Statutes, is created  
to read:

252.9335 Expense reimbursement under compact.—Travel  
expense reimbursement provisions of s. 112.061 do not apply to  
an employee of the state or of a political subdivision of the  
state traveling under the Emergency Management Assistance  
Compact when such expenses are reimbursed based on the amount  
agreed upon in an interstate mutual aid request for assistance.

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

### SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

February 12, 2015

The Honorable Thad Altman, Chair  
Committee on Military and Veteran Affairs, Space & Domestic Security  
215 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chairman Altman:

Senate Bill 620 relating to Emergency Management, has been referred to your committee. I would appreciate your consideration to place this bill on your committee's agenda at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Elizabeth Ryon, Staff Director

#### REPLY TO:

- ☐ 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- ☐ 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- ☐ 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

ANDY GARDINER  
President of the Senate

GARRETT RICHTER  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Ethics and Elections, *Chair*  
Banking and Insurance, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Health  
and Human Services  
Commerce and Tourism  
Regulated Industries  
Rules

### SENATOR GARRETT RICHTER

*President Pro Tempore*  
23rd District

March 2, 2015

The Honorable Thad Altman, Chair  
Committee on Military and Veteran Affairs, Space & Domestic Security  
215 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Altman:

Thank you for the opportunity to present SB 620, related to Emergency Management in your committee on Wednesday, March 4, 2015.

Unfortunately, I will be presenting another bill in Banking and Insurance and will be unable to personally present this bill. I am requesting that my aide, Becky Kokkinos, be allowed to present this bill on my behalf.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

Cc: Elizabeth Ryon, Staff Director

**REPLY TO:**

- ☐ 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

SB 620

Bill Number (if applicable)

Topic Emergency mgmt Compact Assistance

Amendment Barcode (if applicable)

Name Julie Roberts

Job Title External Affairs Director

Address 2555 Shumard Oak Blvd

Phone 850-590-9486

Street

Tallahassee

City

FL

State

32399

Zip

Email julie.roberts@em.myflorida.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL Division of Emergency mgmt

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

## The Florida Senate

# COMMITTEE VOTE RECORD

**COMMITTEE:** Military and Veterans Affairs, Space, and Domestic Security  
**ITEM:** SB 620  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Wednesday, March 4, 2015  
**TIME:** 1:00 —3:00 p.m.  
**PLACE:** 37 Senate Office Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

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

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

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

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BILL: CS/SB 674

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Evers

SUBJECT: Public Records/Military Special Operations Unit Service Members

DATE: March 6, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>GO</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 674 creates a public records exemption for certain identification and location information of current and former servicemembers of U.S. military special operations units and their spouses and children.

The public records exemption established in the bill is subject to the Open Government Sunset Review Act and will repeal on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

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

Because this bill creates a public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for passage.

**II. Present Situation:**

**Public Records Laws**

The State Constitution offers every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the

state, or of persons acting on their behalf.<sup>1</sup> Records kept by the legislative, executive, and judicial branches of government; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created by law or in the Constitution are all subject to public disclosure.<sup>2</sup>

Only the Legislature may create an exemption to public records requirements.<sup>3</sup> Records are designated by the Legislature as either ‘exempt’ or ‘confidential and exempt’. A record classified as exempt from public disclosure may be disclosed under certain circumstances.<sup>4</sup> If the Legislature designates a record as confidential and exempt from public disclosure, a public records custodian may not release the record to anyone other than the persons or entities specifically designated in the statutory exemption.<sup>5</sup>

An exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>6</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>7</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>8</sup>

The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>9</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>10</sup>

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

<sup>2</sup> *Id.*

<sup>3</sup> FLA. CONST., art. I, s. 24(c).

<sup>4</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004). *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)

<sup>5</sup> Op. Att’y Gen. Fla. 85-62 (1985)

<sup>6</sup> FLA. CONST., art. I, s. 24(c).

<sup>7</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>8</sup> FLA. CONST., art. I, s. 24(c).

<sup>9</sup> Section 119.15, F.S.

<sup>10</sup> Section 119.15(3), F.S.



## **Current Exemptions from Public Records Requirements in s. 119.071, F.S.**

Section 119.071, F.S., authorizes general exemptions to public records requirements. Section 119.071(4), F.S., exempts certain personal identification and location information for specified current or former agency personnel<sup>11</sup> and their spouses and children. Information such as home addresses, telephone numbers, spouse employer, and children's school or day care facility for the following current and former agency personnel are exempt from public disclosure:

- Law enforcement and specified agency investigative personnel;<sup>12</sup>
- Certified firefighters;
- Justices and judges;
- Local and statewide prosecuting attorneys;
- Magistrates, administrative law judges, and child support hearing officers;
- Local government agency and water management district human resources administrators;
- Code enforcement officers;
- Guardians ad litem;
- Department of Juvenile Justice direct-care personnel;
- Public defenders and criminal conflict and civil regional counsel;
- Department of Business and Professional Regulation investigators and inspectors; and
- County tax collectors.<sup>13</sup>

Additionally, s. 119.071(5), F.S., authorizes a public records exemption for certain identification and location information for the following individuals and their spouses and children:<sup>14</sup>

- U.S. attorneys;
- U.S. Courts of Appeal judges;
- U.S. district judges; and
- U.S. magistrates.

In order for the exemption to apply, such attorney, judge, or magistrate must submit to an agency that has custody of the protected information a written request to exempt the information from public disclosure and a written statement that the individual has made a reasonable effort to protect such information from being accessible through other means available to the public. The identification and location information protected under this exemption includes:<sup>15</sup>

- Home address, telephone number, and photograph of such attorney, judge, or magistrate and their spouse and child;
- Places of employment of a spouse and child, and
- Name and location of the school or day care facility attended by a child.

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<sup>11</sup> Section 119.011(2), F.S., defines an "agency" to mean 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 Ch. 119, F.S., the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>13</sup> Public records exemptions do not take immediate effect for those who are eligible. The individual must actively engage with the local and state agencies that maintain their personal records to ensure that their right to an exemption is known. The county tax collectors offices is one example of where an individual may exercise their right to an exemption. A form is provided upon request, which the office then processes and keeps on file.

<sup>14</sup> Section 119.071(5)(i), F.S.

<sup>15</sup> Section 119.071(5)(i)1., F.S.

The public necessity statements for these exemptions suggest that persons engaged in the specified occupations are at risk of becoming objects of public ire, because the specified occupations require decisions, actions, or information-sharing that could elicit significant emotional reactions from the public. In extreme instances, those emotional reactions could lead to acts of violence against the agency personnel and their families.<sup>16</sup>

### **Military Special Operations Units**

Special Operations Forces (SOF) are elite military units that are highly trained and specially equipped and have the ability to infiltrate into hostile territory through land, sea, or air to conduct a variety of operations, many of them classified. The U.S. Special Operations Command (USSOCOM), headquartered at MacDill Air Force Base in Tampa, oversees the training, doctrine, and equipping of all U.S. SOF units.<sup>17</sup> USSOCOM's components include the U.S. Army Special Operations Command, the Naval Special Warfare Command, the Air Force Special Operations Command, and the Marine Corps Special Operations Command and the Joint Special Operations Command, which is a sub-unified command of USSOCOM.<sup>18</sup> USSOCOM currently has about 66,000 active duty, National Guard, and reserve personnel assigned to its headquarters, its four components, and sub-unified commands nationwide.<sup>19</sup>

Additionally, Florida is the home to other SOF groups such as the 7<sup>th</sup> Special Operations Group at Eglin Air Force Base in Okaloosa County; the Air Force Special Operations Command, the 1<sup>st</sup> Special Operations Wing, the 720<sup>th</sup> Special Tactics Group, and the U.S. Air Force Special Operations School and Training Center at Hurlburt Field in Okaloosa County; and the Air Force Reserve Command's 919<sup>th</sup> Special Operations Wing at Duke Field in Okaloosa County.<sup>20</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 119.071(5), F.S., to create an exemption to the public records requirements in s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution for current or former servicemembers of United States military special operations units and their spouses and children. Specifically, the following identification and location information held by an agency is exempt from public record requirements:

- The home address, telephone number, and photograph of a current or former servicemember of a special operations unit;
- The home address, telephone number, photograph, and places of employment of spouses of such servicemember; and
- The home address, telephone number, photograph, places of employment, and locations of schools and day care facilities attended by the children of such servicemember.

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<sup>16</sup> *i.e.*, See Ch. 2010-171, s. 2, Laws of Fla.

<sup>17</sup> Congressional Research Service Report "U.S. Special Operations Forces (SOF): Background and Issues for Congress," p. 1, <http://fas.org/sgp/crs/natsec/RS21048.pdf> (last visited on February 26, 2015).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 3-4

The exemption only applies if the current or former servicemember submits in writing to the agency that has custody of the identification and location information a:

- Request to exempt such information from public disclosure; and
- 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.

The bill provides a statement of public necessity as required by the State Constitution. The public necessity statement provides that allowing the identification and location information of current or former servicemembers of United States military special operations units and their families can endanger these servicemembers, their spouses, and their children.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October, 2, 2020, unless reviewed and reenacted by the Legislature.

The bill provides an effective date of October 1, 2015.

#### **IV. Constitutional Issues:**

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

None.

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

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

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for the identification and location information of current or former servicemembers of the United States military special operations units, their spouses, and the children of such servicemembers; thus, it requires a two-thirds vote for final passage.

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

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for identification and location information of current or former servicemembers of the United States military special operations units, their spouses, and the children of such servicemembers; thus, it includes a public necessity statement.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the identification and location information named in the bill for current or former servicemembers of the United States military special operations units, their spouses, and the children of such servicemembers. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a minimal fiscal impact on state and local agencies with staff responsible for complying with public record requests, as staff could require training related to expansion of the public record exemption. In addition, an agency may incur costs associated with redacting exempt information prior to releasing a record. The costs, however, would likely be absorbed as part of the day-to-day responsibilities of the staff of the agency.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on March 4, 2015:**

The committee substitute:

- Moves the exemption from s. 119.071(4), F.S. to s. 119.071(5), F.S.;
- Revises the public necessity statement to clarify that the exemption protects sensitive personal information that would jeopardize an individual's safety; and
- Requires a person to request the exemption in writing and state in writing that they have made reasonable efforts to protect the information for the exemption to apply.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2015	.	
	.	
	.	
	.	

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The Committee on Military and Veterans Affairs, Space, and Domestic Security (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (k) is added to subsection (5) of  
section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of  
public records.—

(5) OTHER PERSONAL INFORMATION.—

(k)1. For purposes of this paragraph, the term



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11 "identification and location information" means the:

12 a. Home address, telephone number, and photograph of a  
13 current or former servicemember of a United States military  
14 special operations unit.

15 b. Home address, telephone number, photograph, and place of  
16 employment of the spouse or child of such servicemember.

17 c. Name and location of the school or day care facility  
18 attended by the child of such servicemember.

19 2. Identification and location information held by an  
20 agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
21 State Constitution if such servicemember submits to an agency  
22 that has custody of the identification and location information:

23 a. A written request to exempt such information from public  
24 disclosure; and

25 b. A written statement that he or she has made reasonable  
26 efforts to protect the identification and location information  
27 from being accessible through other means available to the  
28 public.

29 3. This paragraph is subject to the Open Government Sunset  
30 Review Act in accordance with s. 119.15 and shall stand repealed  
31 on October 2, 2020, unless reviewed and saved from repeal  
32 through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public  
34 necessity that the identification and location information held  
35 by an agency of a current or former servicemember of a United  
36 States military special operations unit; the spouse and children  
37 of such servicemember; and the schools and day care facilities  
38 attended by the children of such servicemember be made exempt  
39 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of



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the State Constitution. United States military special operations units perform among the most critical, most effective, and most dangerous operations in defense of our nation's freedom. The unique missions undertaken by special operations units render these servicemembers and their families among the most critical assets worthy of protection in our state and country. The Legislature finds that allowing public access to the name, addresses, and identifying information of a current or former servicemember of a United States military special operations unit and his or her family may jeopardize the safety of the servicemember, his or her spouse, and their children. The Legislature finds that protecting a current or former servicemember of a United States military special operations unit, his or her spouse, and their children outweighs any public benefit that may be derived from the disclosure of the identifying information protected herein.

Section 3. This act shall take effect October 1, 2015.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to public records; amending s.  
119.071, F.S.; providing an exemption from public  
records requirements for certain personal identifying  
information of current or former servicemembers of a  
military special operations unit and the spouses and  
children of such servicemembers; providing for future





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69 legislative review and repeal of the exemption;  
70 providing a statement of public necessity; providing  
71 an effective date.

By Senator Evers

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1 A bill to be entitled  
 2 An act relating to public records; amending s.  
 3 119.071, F.S.; providing an exemption from public  
 4 records requirements for certain personal identifying  
 5 information of current or former servicemembers of  
 6 military special operations units and the spouses and  
 7 children of such servicemembers; providing for future  
 8 legislative review and repeal of the exemption;  
 9 providing a statement of public necessity; providing  
 10 an effective date.  
 11  
 12 Be It Enacted by the Legislature of the State of Florida:  
 13  
 14 Section 1. Paragraph (d) of subsection (4) of section  
 15 119.071, Florida Statutes, is amended to read:  
 16 119.071 General exemptions from inspection or copying of  
 17 public records.—  
 18 (4) AGENCY PERSONNEL INFORMATION.—  
 19 (d)1. For purposes of this paragraph, the term "telephone  
 20 numbers" includes home telephone numbers, personal cellular  
 21 telephone numbers, personal pager telephone numbers, and  
 22 telephone numbers associated with personal communications  
 23 devices.  
 24 2.a.(I) The home addresses, telephone numbers, social  
 25 security numbers, dates of birth, and photographs of active or  
 26 former sworn or civilian law enforcement personnel, including  
 27 correctional and correctional probation officers, personnel of  
 28 the Department of Children and Families whose duties include the  
 29 investigation of abuse, neglect, exploitation, fraud, theft, or

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30 other criminal activities, personnel of the Department of Health  
 31 whose duties are to support the investigation of child abuse or  
 32 neglect, and personnel of the Department of Revenue or local  
 33 governments whose responsibilities include revenue collection  
 34 and enforcement or child support enforcement; the home  
 35 addresses, telephone numbers, social security numbers,  
 36 photographs, dates of birth, and places of employment of the  
 37 spouses and children of such personnel; and the names and  
 38 locations of schools and day care facilities attended by the  
 39 children of such personnel are exempt from s. 119.07(1).  
 40 (II) The names of the spouses and children of active or  
 41 former sworn or civilian law enforcement personnel and the other  
 42 specified agency personnel identified in sub-sub-subparagraph  
 43 (I) are exempt from s. 119.07(1) and s. 24(a), Art. I of the  
 44 State Constitution.  
 45 (III) Sub-sub-subparagraph (II) is subject to the Open  
 46 Government Sunset Review Act in accordance with s. 119.15, and  
 47 shall stand repealed on October 2, 2018, unless reviewed and  
 48 saved from repeal through reenactment by the Legislature.  
 49 b. The home addresses, telephone numbers, dates of birth,  
 50 and photographs of firefighters certified in compliance with s.  
 51 633.408; the home addresses, telephone numbers, photographs,  
 52 dates of birth, and places of employment of the spouses and  
 53 children of such firefighters; and the names and locations of  
 54 schools and day care facilities attended by the children of such  
 55 firefighters are exempt from s. 119.07(1).  
 56 c. The home addresses, dates of birth, and telephone  
 57 numbers of current or former justices of the Supreme Court,  
 58 district court of appeal judges, circuit court judges, and

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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

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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 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,

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117 telephone numbers, dates of birth, and places of employment of  
 118 the spouses and children of such personnel; and the names and  
 119 locations of schools and day care facilities attended by the  
 120 children of such personnel are exempt from s. 119.07(1) and s.  
 121 24(a), Art. I of the State Constitution.

122 g. The home addresses, telephone numbers, dates of birth,  
 123 and photographs of current or former code enforcement officers;  
 124 the names, home addresses, telephone numbers, dates of birth,  
 125 and places of employment of the spouses and children of such  
 126 personnel; and the names and locations of schools and day care  
 127 facilities attended by the children of such personnel are exempt  
 128 from s. 119.07(1) and s. 24(a), Art. I of the State  
 129 Constitution.

130 h. The home addresses, telephone numbers, places of  
 131 employment, dates of birth, and photographs of current or former  
 132 guardians ad litem, as defined in s. 39.820; the names, home  
 133 addresses, telephone numbers, dates of birth, and places of  
 134 employment of the spouses and children of such persons; and the  
 135 names and locations of schools and day care facilities attended  
 136 by the children of such persons are exempt from s. 119.07(1) and  
 137 s. 24(a), Art. I of the State Constitution, if the guardian ad  
 138 litem provides a written statement that the guardian ad litem  
 139 has made reasonable efforts to protect such information from  
 140 being accessible through other means available to the public.

141 i. The home addresses, telephone numbers, dates of birth,  
 142 and photographs of current or former juvenile probation  
 143 officers, juvenile probation supervisors, detention  
 144 superintendents, assistant detention superintendents, juvenile  
 145 justice detention officers I and II, juvenile justice detention

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146 officer supervisors, juvenile justice residential officers,  
 147 juvenile justice residential officer supervisors I and II,  
 148 juvenile justice counselors, juvenile justice counselor  
 149 supervisors, human services counselor administrators, senior  
 150 human services counselor administrators, rehabilitation  
 151 therapists, and social services counselors of the Department of  
 152 Juvenile Justice; the names, home addresses, telephone numbers,  
 153 dates of birth, and places of employment of spouses and children  
 154 of such personnel; and the names and locations of schools and  
 155 day care facilities attended by the children of such personnel  
 156 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 157 Constitution.

158 j.(I) The home addresses, telephone numbers, dates of  
 159 birth, and photographs of current or former public defenders,  
 160 assistant public defenders, criminal conflict and civil regional  
 161 counsel, and assistant criminal conflict and civil regional  
 162 counsel; the home addresses, telephone numbers, dates of birth,  
 163 and places of employment of the spouses and children of such  
 164 defenders or counsel; and the names and locations of schools and  
 165 day care facilities attended by the children of such defenders  
 166 or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 167 the State Constitution.

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

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

190 l. The home addresses and telephone numbers of county tax  
 191 collectors; the names, home addresses, telephone numbers, and  
 192 places of employment of the spouses and children of such tax  
 193 collectors; and the names and locations of schools and day care  
 194 facilities attended by the children of such tax collectors are  
 195 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 196 Constitution if the county tax collector has made reasonable  
 197 efforts to protect such information from being accessible  
 198 through other means available to the public. This sub-  
 199 subparagraph is subject to the Open Government Sunset Review Act  
 200 in accordance with s. 119.15 and shall stand repealed on October  
 201 2, 2017, unless reviewed and saved from repeal through  
 202 reenactment by the Legislature.

203 m. The home addresses, telephone numbers, dates of birth,

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204 and photographs of current or former personnel of the Department  
 205 of Health whose duties include, or result in, the determination  
 206 or adjudication of eligibility for social security disability  
 207 benefits, the investigation or prosecution of complaints filed  
 208 against health care practitioners, or the inspection of health  
 209 care practitioners or health care facilities licensed by the  
 210 Department of Health; the names, home addresses, telephone  
 211 numbers, dates of birth, and places of employment of the spouses  
 212 and children of such personnel; and the names and locations of  
 213 schools and day care facilities attended by the children of such  
 214 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 215 the State Constitution if the personnel have made reasonable  
 216 efforts to protect such information from being accessible  
 217 through other means available to the public. This sub-  
 218 subparagraph is subject to the Open Government Sunset Review Act  
 219 in accordance with s. 119.15 and shall stand repealed on October  
 220 2, 2019, unless reviewed and saved from repeal through  
 221 reenactment by the Legislature.

222 n. The home addresses, telephone numbers, dates of birth,  
 223 and photographs of current or former servicemembers of the  
 224 United States military special operations units; the names, home  
 225 addresses, telephone numbers, dates of birth, and places of  
 226 employment of the spouses and children of such servicemembers;  
 227 and the names and locations of schools and day care facilities  
 228 attended by the children of such servicemembers are exempt from  
 229 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
 230 This sub-subparagraph is subject to the Open Government Sunset  
 231 Review Act in accordance with s. 119.15 and shall stand repealed  
 232 on October 2, 2020, unless reviewed and saved from repeal

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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.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former servicemembers of United States military special operations units; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such servicemembers; and the names and locations of schools and day care facilities attended by the children of such servicemembers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. United States military special operations units perform among the most critical, most effective, and most dangerous operations in defense of our

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nation's freedom. The unique missions undertaken by special operations units render these servicemembers and their families among the most critical assets worthy of protection in our state and country. Allowing public access to the names, addresses, and identifying information of current or former servicemembers of United States military special operations units and their families can endanger these servicemembers, their spouses, and their children. Protecting current and former servicemembers of the United States military special operations units, their spouses, and their children outweighs any public benefit that may be derived from the disclosure of the identifying information protected herein.

Section 3. This act shall take effect October 1, 2015.

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The Florida Senate

## Committee Agenda Request

**To:** Chair Senator Altman  
Committee On Military And Veterans Affairs, Space, And Domestic Security

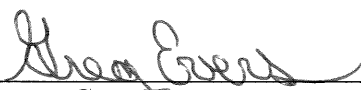
**Subject:** Public Records/Military Special Operations Unit Service Members

**Date:** February 10, 2015

---

I respectfully request that **Senate Bill #S0674**, relating to Public Records/Military Special Operations Unit Service Members, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

  
\_\_\_\_\_  
Senator Greg Evers  
Florida Senate, District 2

## The Florida Senate

# COMMITTEE VOTE RECORD

**COMMITTEE:** Military and Veterans Affairs, Space, and Domestic Security  
**ITEM:** SB 674  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Wednesday, March 4, 2015  
**TIME:** 1:00 —3:00 p.m.  
**PLACE:** 37 Senate Office Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



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

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

---

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

---

BILL: SB 686

INTRODUCER: Senator Lee

SUBJECT: Military Housing Ad Valorem Tax Exemptions

DATE: March 3, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	<b>Favorable</b>
2.			FT	
3.			AP	

---

**I. Summary:**

SB 686 revises and clarifies parameters for an ad valorem tax exemption of United States government owned property pursuant to the U.S. Military Housing Privatization Initiative of 1996. The tax exemption would apply to leasehold interests and improvements to land owned by the United States and various branches of United States Armed Forces and agencies of the federal government. “Improvements” include, but are not limited to, actual housing units and related facilities under the federal initiative. Any leasehold interest or improvement shall be considered owned by the United States, regardless of whether title is held the by the United States, and the ad valorem tax exemption requires neither an exemption application, nor approval from the property appraiser.

**II. Present Situation:**

**Military Housing Privatization Initiative**

The U.S. Military Housing Privatization Initiative (MHPI) was enacted as part of the National Defense Authorization Act for fiscal year 1996 in an effort to address the poor condition of Department of Defense (DoD) owned housing and the shortage of affordable private sector housing for military families.<sup>1</sup> At the beginning of the program, DoD owned approximately 257,000 family housing units worldwide both on and off-base with over 50 percent of the units deemed in need of renovation or replacement.<sup>2</sup> Under MHPI authorities, the DoD works with the private sector to revitalize military family housing by employing a variety of financial tools including: direct loans, loan guarantees, equity investments, and conveyance or leasing of property or facilities.<sup>3</sup>

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<sup>1</sup> National Defense Authorization Act for Fiscal Year 1996, Pub. L. No. 104-106, §§ 2801-2841 (1996).

<sup>2</sup> The Office of the Deputy under Secretary of Defense Installations and Environment, *Military Housing Privatization*, available at <http://www.acq.osd.mil/housing/overview.htm>.

<sup>3</sup> *Id.*

In standard MHPI projects, a branch of the United States Armed Forces enters into a long term (fifty years) ground lease of the land under the housing areas with a private developer. Title to the housing units is conveyed to the developer by quitclaim deed. Within a time schedule set by contract, the developer rehabilitates or constructs a target level of housing units and is responsible for the leasing, management and maintenance of the units. At the end of the long term lease, the federal government may negotiate an extension of the lease or elect to acquire the improvements from the developer or its successor at no charge.

There are currently MHPI developments at the following military installations in Florida:

- Tyndall Air Force Base
- MacDill Air Force Base
- Patrick Air Force Base
- Eglin Air Force Base
- Hurlburt Field
- Naval Air Station Jacksonville
- Naval Air Station Key West
- Naval Air Station Pensacola
- Naval Air Station Whiting Field
- Naval Station Mayport
- Naval Support Activity Panama City

### **Property Valuation in Florida**

Section 4, Article VII of the Florida Constitution, requires that all property be assessed at just value for ad valorem tax purposes. Sections 3, 4, and 6, Article VII of the Florida Constitution, provide for specified assessment limitations, property classifications and exemptions. After the property appraiser has considered any assessment limitation or use classification affecting the just value of a property, an assessed value is produced. The assessed value is then reduced by any exemptions to produce the taxable value.<sup>4</sup> Such exemptions include, but are not limited to: homestead exemptions and exemptions for property used for educational, religious, or charitable purposes.<sup>5</sup>

### **Government Property Exemption in Florida**

Florida law generally exempts government property from ad valorem taxation.<sup>6</sup> Subject to certain conditions, property of the United States, property of Florida and property of political subdivisions and municipalities of the state are exempt from ad valorem taxation. Portions of governmental property may be leased to private parties. In instances where the government leases property to a private party, the lease is called “governmental leasehold” and is subject to tax as “intangible personal property.”<sup>7</sup>

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<sup>4</sup> See s. 196.031, F.S.

<sup>5</sup> Fla. Const. art. VII, ss. 3 and 6.

<sup>6</sup> See s. 196.199, F.S.

<sup>7</sup> See s. 196.199(2)(b), F.S. Section 192.001 (11)(b) defines “intangible personal property” as money, all evidences of debt owed to the taxpayer, all evidences of ownership in a corporation or other business organization having multiple owners, and all other forms of property where value is based upon that which the property represents rather than its own intrinsic value.

## Taxation of Federal Property

Generally, the federal government and property owned by the federal government are immune from state and local taxation.<sup>8</sup> The federal government's immunity from taxation extends to its agents and its instrumentalities.<sup>9</sup> Congress has the exclusive authority to determine whether and to what extent its instrumentalities are immune from state and local taxes.<sup>10</sup>

Ad valorem taxes that Congress *has* authorized for leasehold property on federal land under 10 U.S.C. § 2667, are expressly *not* authorized under the MHPI. Specifically, 10 U.S.C. § 2878(e)(1) of the MHPI states that “[t]he conveyance or lease of property or facilities under this section shall not be subject to . . . Section 2667 of this title.” In other words, the Housing Initiative expressly exempts such leaseholds and improvements from state or local ad valorem taxation.

In addition, certain sections of the MHPI specifically repealed prior Congressional consent to ad valorem state taxation as well as consent to taxation of intangible personal property.<sup>11</sup>

## Current Litigation

Until recently, all eight of the MHPI projects in Florida have not been subject to ad valorem tax. In 2012, the Monroe County property appraiser subjected the project at Naval Air Station Key West to tax retroactive to 2008. The Monroe County property appraiser asserted that the MHPI project improvements at Naval Air Station Key West were subject to tax because the owner of the improvements was not exempt.<sup>12</sup> However, a circuit court judge in the Sixteenth Judicial Circuit determined that such improvements are exempt from property tax because the use and ownership of the improvements are consistent with the property tax exemptions provided in s. 196.199, F.S.<sup>13</sup> The court found that the operation, construction and renovation of military housing is a governmental function,<sup>14</sup> and, even though the nongovernmental lessee technically held legal title to the property, the United States Navy was the equitable owner of the property.<sup>15</sup> The Monroe County property appraiser has appealed the decision to the Third District Court of Appeals.<sup>16</sup>

Additionally, similar lawsuits have recently been filed in three other counties in Florida. In 2013, the Escambia County property appraiser denied the ad valorem tax exemption for the MHPI project at Naval Air Station Pensacola that had been in effect from 2008 through 2012. The MHPI developer filed a lawsuit in July 2014 contesting Escambia County property appraiser's removal and denial of the exemption.<sup>17</sup>

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<sup>8</sup> *McCullough v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819).

<sup>9</sup> *Kern-Limerick, Inc. v. Scurlock*, 347 U.S. 110 (1954).

<sup>10</sup> *Maricopa County v. Valley Bank*, 318 U.S. 357 (1943).

<sup>11</sup> 10 U.S.C. §§ 2781-2885 and §2878.

<sup>12</sup> *See Southeast Housing LLC, v. Borglum*, No. 2012-CA-000831-K (Fla. 16th Cir. Ct., August 2012).

<sup>13</sup> *Southeast Housing LLC v. Borglum*, No. 2012-CA-000831-K, (Fla. 16th Cir. Ct., March 2014).

<sup>14</sup> *Id.* at 9.

<sup>15</sup> *Id.* at 11.

<sup>16</sup> *Russell v. Southeast Housing LLC*, No. 3D14-746 (3d DCA, May 2014).

<sup>17</sup> *See Southeast Housing LLC v. Jones*, No. 2014-CA-000293 (Fla. 1st Cir. Ct., July 2014).

In December 2014, the developer of the MHPI project at Naval Air Station Whiting Field filed a lawsuit contesting the Santa Rosa County property appraiser's removal and denial of ad valorem exemption. The lawsuit follows the property appraiser's termination of a Payment in Lieu of Taxes agreement that was agreed upon in 2009 by the property appraiser and the developer.<sup>18</sup>

Also in December 2014, the developer of the MHPI project at Eglin Air Force Base and Hurlburt Field filed a lawsuit contesting the Okaloosa County property appraiser's denial of the developer's initial application for ad valorem exemption in June 2014.<sup>19</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 196.199, F.S., to revise the definition of property of the United States for the purposes of an exemption from ad valorem taxation. The revision includes any leasehold interest of and improvements affixed to land owned by the United States, any branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States. The exemption applies if the leasehold interest and improvements are used to provide housing pursuant to the Military Housing Privatization Initiative of 1996. The term "improvements" include actual housing units and any facilities that are directly related to such housing units, including any housing maintenance facilities, housing rental and management offices, parks and community centers, and recreational facilities. Any leasehold interest or improvement shall be construed as owned by the United States, regardless of whether title is held by the United States, and the ad valorem exemption requires neither an exemption application, nor approval from the property appraiser. The bill does not apply to transient public lodging establishments.

The bill provides an effective date of July 1, 2015, and shall apply retroactively to January 1, 2007.

### **IV. Constitutional Issues:**

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>18</sup> See *Southeast Housing, LLC, v. Brown*, No. 2014-CA-1174 (Fla. 1st Cir. Ct., December 2014).

<sup>19</sup> See *Corvias Air Force Living, LLC, v. Smith*, No. 2014-CA-004502F (Fla. 1st Cir. Ct. December 2014).

**B. Private Sector Impact:**

Clarifying ad valorem tax exemption eligibility standards for United States property may ensure that private entities operating pursuant to the MHPI will continue to be eligible for such exemptions.

**C. Government Sector Impact:**

The Revenue Estimating Conference has determined that HB 361, companion to SB 686, will have an indeterminate negative or zero impact on local government revenues.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 196.199 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>20</sup> Revenue Estimating Conference, *Military Housing Ad Valorem Tax HB361* (Feb. 04, 2015) available at <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2015/pdf/page110-112.pdf>.

By Senator Lee

24-00716-15

2015686\_\_

A bill to be entitled

An act relating to military housing ad valorem tax exemptions; amending s. 196.199, F.S.; providing that certain leasehold interests and improvements to land owned by the United States, a branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States are exempt from ad valorem taxation under specified circumstances; providing that such leasehold interests and improvements are entitled to an exemption from ad valorem taxation without an application being filed for the exemption or the property appraiser approving the exemption; providing nonapplicability of provisions to transient public lodging establishments; providing retroactive applicability; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 196.199, Florida Statutes, is amended, to read:

196.199 Government property exemption.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(a) 1. All property of the United States ~~is shall be~~ exempt from ad valorem taxation, except such property as is subject to tax by this state or any political subdivision thereof or any municipality under any law of the United States.

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

24-00716-15

2015686\_\_

2. Notwithstanding any other provision of law, for purposes of the exemption from ad valorem taxation provided in subparagraph 1., property of the United States includes any leasehold interest of and improvements affixed to land owned by the United States, any branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States if the leasehold interest and improvements are acquired or constructed and used pursuant to the federal Military Housing Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this subparagraph, the term "improvements" includes actual housing units and any facilities that are directly related to such housing units, including any housing maintenance facilities, housing rental and management offices, parks and community centers, and recreational facilities. Any leasehold interest and improvements described in this subparagraph, regardless of whether title is held by the United States, shall be construed as being owned by the United States, the applicable branch of the United States Armed Forces, or the applicable agency or quasi-governmental agency of the United States and are exempt from ad valorem taxation without the necessity of an application for exemption being filed or approved by the property appraiser. This subparagraph does not apply to a transient public lodging establishment as defined in s. 509.013.

Section 2. This act applies retroactively to January 1, 2007.

Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations, *Chair*  
Appropriations Subcommittee on General  
Government  
Banking and Insurance  
Rules

### JOINT COMMITTEE:

Joint Legislative Budget Commission,  
*Alternating Chair*

**SENATOR TOM LEE**

24th District

February 10, 2015

The Honorable Thad Altman  
Senate Committee Military and Veterans Affairs, Space, and Domestic Security, Chair  
314 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399

Dear Chair Altman,

I respectfully request that SB 686 related to *Military Housing Ad Valorem Tax Exemptions*, be placed on the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Lee".

Tom Lee  
Senator, District 24

Cc: Elizabeth Ryon, Staff Director

### REPLY TO:

- ☐ 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
- ☐ 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5024

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/2015  
Meeting Date

686  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name SCOTT RUSSELL

Job Title Monroe County Property Appraiser

Address 2505 Fegarty Ave

Phone 305 282 3404

Street

Key West

City

FL

State

33540

Zip

Email SRussell@mcPAFL.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Monroe County Property Appraiser

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

686

Bill Number (if applicable)

Topic Military Hovey

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Ass'n of Fla

Address 1828 Piggus Lane

Phone 850-219-0220

Street

Tallahassee FL 32317

City

State

Zip

Email levylawfirm@comcast.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Property Appraisers' Ass'n of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/4/15

Meeting Date

686

Bill Number (if applicable)

Topic MILITARY HOUSING EXEMPTION

Amendment Barcode (if applicable)

Name BRENDAN LYNCH

Job Title ATTORNEY

Address 215 N EOLA DR.

Street

ORLANDO

City

FL

State

32801

Zip

Phone 407 418 6461

Email Brendan.Lynch@foundes-law.com

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SOUTHEAST HOUSING LLC

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**COMMITTEE:** Military and Veterans Affairs, Space, and Domestic Security  
**ITEM:** SB 686  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Wednesday, March 4, 2015  
**TIME:** 1:00 —3:00 p.m.  
**PLACE:** 37 Senate Office Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

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

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

---

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

---

BILL: SB 876

INTRODUCER: Senator Dean

SUBJECT: Beirut Memorial

DATE: March 3, 2015

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sanders	Ryon	MS	<b>Favorable</b>
2. _____	_____	AGG	_____
3. _____	_____	FP	_____

---

## I. Summary:

SB 876 requires the Department of Management Services (DMS) to establish a memorial in the Capitol Complex to honor those who lost their lives in the October 23, 1983 attack on the U.S. Armed Forces in Beirut, Lebanon. The DMS is responsible for the design and placement of the memorial in coordination with the Florida Department of Veterans' Affairs, the Florida Historical Commission, and the Division of Historical Resources of the Department of State. The establishment of the Beirut Memorial is contingent upon a not yet identified legislative appropriation.

## II. Present Situation:

### Beirut Attack

In July of 1982, President Reagan authorized the deployment of U.S. Marines to join a multinational force (MNF) alongside French and Italian troops to contribute to peacekeeping efforts in Lebanon.<sup>1</sup> Lebanon was in the midst of a civil war that threatened the stability of the region and raised the specter of a wider war.<sup>2</sup> Syria and Israel were at ends supporting opposing Lebanese factions and perpetuating violence in an attempt to gain control of the country. In response, the MNF was tasked to protect Palestinian civilians from the ongoing conflict.<sup>3</sup>

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<sup>1</sup> U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 2, 2015).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

On October 23, 1983, the headquarters and barracks of the 1<sup>st</sup> Battalion, 9<sup>th</sup> Marines Regiment in Beirut, Lebanon was attacked.<sup>4</sup> An explosion caused by a truck carrying 2, 000 pounds of explosives drove into the facility and collapsed the structure killing 220 Marines and 21 other members of the United States Armed Forces.<sup>5</sup> In February of 1984, President Reagan ordered that the Marines withdraw from Lebanon.<sup>6</sup>

### **Managing Agency for the Capitol Center**

Chapter 272, F.S., provides that the Capitol Center<sup>7</sup> is under the general control and supervision of the Department of Management Services (DMS),<sup>8</sup> which includes the management and maintenance of both the grounds and buildings.<sup>9</sup> Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.<sup>10</sup> This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.<sup>11</sup> After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with the DMS.<sup>12</sup>

The “Capitol Complex” is defined to include:

“that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.”<sup>13</sup>

### **Capitol Complex Monuments**

The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by the DMS after considering the recommendations of the Florida

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<sup>4</sup> Marines Blog: The Official Blog of the United States Marine Corps, *30<sup>th</sup> Anniversary of Beirut Bombing: Survivor Shares his Story*, <http://marines.dodlive.mil/2013/10/22/30th-anniversary-of-beirut-bombing-survivor-shares-his-story/> (last visited March 2, 2015).

<sup>5</sup> *Id.*

<sup>6</sup> U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 2, 2015).

<sup>7</sup> Section 272.12, F.S., describes the Tallahassee area bounded by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

<sup>8</sup> Section 272.03, F.S.

<sup>9</sup> Section 272.09, F.S.

<sup>10</sup> Section 272.07, F.S.

<sup>11</sup> Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>12</sup> *Id.*

<sup>13</sup> Section 281.01, F.S.

Historical Commission.<sup>14</sup> Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.<sup>15</sup>

Among the statutorily authorized Capitol Complex memorials to honor military servicemembers are:

- The Florida Veterans' Walk of Honor;<sup>16</sup>
- The Florida Veterans' Memorial Garden;<sup>17</sup> and
- The POW-MIA Chair of Honor Memorial.<sup>18</sup>

### **III. Effect of Proposed Changes:**

This bill creates s. 265.005, F.S. to establish the Beirut Memorial, subject to legislative appropriation, on the premises of the Capitol Complex to honor those who lost their lives in the October 23, 1983 attack on the U.S. Armed Forces in Beirut, Lebanon.

The bill directs the Department of Management Services (DMS) to approve the design and placement of the Beirut Memorial, taking into consideration recommendations from the Florida Department of Veterans' Affairs and the Florida Historical Commission. Additionally, the DMS will coordinate with the Division of Historical Resources regarding the Beirut Memorial's design and placement.

The bill provides an effective date of July 1, 2015.

### **IV. Constitutional Issues:**

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>14</sup> Section 265.111(2), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 265.0031, F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 265.00301, F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The cost to construct the Beirut Memorial is indeterminate at this time. The establishment of the memorial is contingent upon a not yet identified legislative appropriation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 265.005 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Dean

5-01222-15

2015876\_\_

A bill to be entitled

An act relating to the Beirut Memorial; creating s. 265.005, F.S.; providing legislative intent; requiring the Department of Management Services to establish a Beirut Memorial, subject to legislative appropriation; requiring the department to consider recommendations of the Department of Veterans' Affairs and the Florida Historical Commission regarding specific aspects of the memorial; requiring the Department of Management Services to coordinate with the Division of Historical Resources regarding design and placement of the memorial; providing an effective date.

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

Section 1. Section 265.005, Florida Statutes, is created to read:

265.005 Beirut Memorial.—

(1) It is the intent of the Legislature to recognize and honor the sacrifices endured by members of the United States Armed Forces who lost their lives as a result of the explosion of a truck laden with compressed gas-enhanced explosives which collapsed the headquarters building of the 1st Battalion, 8th Marines Regiment in Beirut, Lebanon, on October 23, 1983.

(2) The Department of Management Services shall, subject to legislative appropriation, establish a Beirut Memorial. The Department of Management Services shall approve the design and placement of the Beirut Memorial in the Capitol Complex, as defined in s. 281.01, after considering recommendations from the

Page 1 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

5-01222-15

2015876\_\_

Department of Veterans' Affairs and, pursuant to ss. 265.111 and 267.0612(9), the Florida Historical Commission with regard to the appropriate design and placement of the memorial. The Department of Management Services shall also coordinate with the Division of Historical Resources of the Department of State regarding the memorial's design and placement, subject to the division's powers and duties under s. 267.031.

Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

RECEIVED

FEB 23 2015

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Community Affairs

**SENATOR CHARLES S. DEAN, SR.**  
5th District

February 23, 2015

The Honorable Thad Altman  
314 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chairman Altman,

I respectfully request you place Senate Bill 876, relating to Beirut Memorial, on your Military and Veterans Affairs, Space, and Domestic Security Committee agenda at your earliest convenience.

If you have any concerns, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Elizabeth Ryon, Staff Director

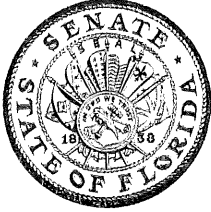
**REPLY TO:**

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Community Affairs

**SENATOR CHARLES S. DEAN, SR.**

5th District

March 2, 2015

The Honorable Thad Altman  
314 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Chairman Altman:

Thank you for allowing Senate Bill 876, relating to the Beirut Memorial, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Chase Daniels, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles S. Dean".

Charles S. Dean  
State Senator, District 5

Cc: Elizabeth Ryon, Staff Director

### REPLY TO:

- ☐ 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- ☐ 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- ☐ 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**COMMITTEE:** Military and Veterans Affairs, Space, and Domestic Security  
**ITEM:** SB 876  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Wednesday, March 4, 2015  
**TIME:** 1:00 —3:00 p.m.  
**PLACE:** 37 Senate Office Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

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TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

# CourtSmart Tag Report

**Room:** LL 37

**Case:**

**Type:**

**Caption:** Senate Military and Veterans Affairs, Space, and Domestic Security

**Judge:**

**Started:** 3/4/2015 1:04:57 PM

**Ends:** 3/4/2015 1:54:25 PM      **Length:** 00:49:29

**1:04:59 PM** Chair Altman calls the Military and Veterans Affairs, Space, and Domestic Security to order

**1:05:07 PM** Roll call by Administrative Assistant, Lois Graham

**1:05:16 PM** Quorum present

**1:05:22 PM** Chair Altman ask that all electronic devices be silenced

**1:05:38 PM** Statement from Chair Altman regarding appearance cards

**1:06:22 PM** Tab 1- SB 620 - Emergency Management by Senator Richter presented by Rebecca "Becky" Kokkinos, Legislative Assistant

**1:07:01 PM** Ms. Kokkinos presents the bill

**1:07:15 PM** Chair Altman ask for questions on the bill

**1:07:25 PM** There are no appearance cards

**1:07:29 PM** Chair Altman ask Ms. Kokkinos to close on the bill. Ms. Kokkinos waives her closing

**1:07:35 PM** Roll call by Administrative Assistant, Lois Graham

**1:07:42 PM** Lois calls roll

**1:07:50 PM** SB 620 will be reported favorably

**1:07:53 PM** Tab 4 - SB 876 - Beirut Memorial by Senator Dean - Presented by Mr. Chase Daniels, Legislative Assistant

**1:08:06 PM** Ms. Daniels presents the bill

**1:08:18 PM** Chair Altman ask for questions on the bill

**1:08:23 PM** There are no appearance cards

**1:08:29 PM** Chair Altman ask for debate on the bill

**1:08:34 PM** Chair Altman ask Mr. Daniels to close on the bill. Mr. Daniels waives closing on the bill

**1:08:37 PM** Chair Altman ask Lois to call the roll on SB 876

**1:08:43 PM** Lois calls the roll

**1:08:47 PM** SB 876 will be reported favorably

**1:08:51 PM** Tab 2 - Public Records/Military Special Operations Unit Service Members by Senator Evers

**1:09:17 PM** Senator Evers explains the bill

**1:09:24 PM** Chair Altman ask for questions on the bill

**1:09:29 PM** Chair Altman states that there is an amendment, Barcode 169718 by Senator Evers

**1:09:48 PM** Senator Evers explains the amendment

**1:10:16 PM** Chairman Altman asked for questions on the amendment

**1:10:25 PM** There were no appearance cards

**1:10:33 PM** Chair Altman ask for debate on the amendment

**1:10:36 PM** Chair Altman ask Senator Evers to close on the amendment

**1:10:42 PM** The amendment passes

**1:10:46 PM** Chair Altman states that we are back on bill as amended

**1:10:52 PM** Chair Altman ask for debate on the bill as amended

**1:10:59 PM** Chair Altman ask for questions on the bill as amended

**1:11:03 PM** Chair Altman ask Senator Evers to close on CS for SB 674. Senator Evers waives closing

**1:11:10 PM** Chair Altman ask Lois to call roll on CS for SB 674

1:11:15 PM Roll call by Administrative Assistant, Lois Graham  
1:11:20 PM CS for SB 674 will be reported favorably  
1:11:33 PM Tab 3 - Military Housing Ad Valorem Tax Exemptions by Senator Lee  
1:11:46 PM Senator Lee explains the bill  
1:15:39 PM Chair Altman ask for questions on the bill  
1:16:42 PM Senator Evers ask a question  
1:16:55 PM Senator Lee answers  
1:17:33 PM Senator Evers ask a follow-up question  
1:17:48 PM Senator Lee answers  
1:18:34 PM Senator Evers ask another question  
1:18:47 PM Senator Lee answers  
1:21:19 PM Comments from Senator Evers  
1:21:52 PM Comments from Senator Lee  
1:22:25 PM Chair Altman ask for additional questions  
1:22:35 PM Chair Altman ask for appearance cards  
1:22:39 PM Mr. Loren Levy, General Counsel, Property Appraiser's Association of Florida speaking against the bill  
1:27:01 PM Chair ask for questions  
1:27:10 PM Senator Sachs ask a question  
1:27:22 PM Mr. Levy answers  
1:28:39 PM Senator Sachs ask a follow-up question  
1:28:54 PM Mr. Levy answers  
1:30:06 PM Senator Sachs ask another question  
1:30:18 PM Mr. Levy answers  
1:32:03 PM Chair Altman ask for additional questions  
1:32:12 PM Mr. Scott Russell, Monroe County Property Appraiser's office speaking against the bill  
1:33:23 PM Chair Altman makes a statement  
1:33:39 PM Senator Evers makes a statement  
1:33:46 PM Mr. Russell responds to Senator Evers statement  
1:34:56 PM Chairman Altman asked for more question  
1:35:03 PM Senator Stargel asked questions  
1:35:17 PM Mr. Russell answer  
1:35:32 PM Senator Stargel follow up questions  
1:35:41 PM Mr. Russell answer  
1:36:03 PM Senator Sachs asked a question  
1:36:35 PM Mr. Russell answer  
1:37:01 PM Chair ask if there were additional questions  
1:37:15 PM Mr. Brendan Lynch, Attorney, speaking for the bill  
1:38:23 PM Chair Altman ask for questions  
1:39:09 PM Statement by Chair Altman  
1:39:17 PM Mr. Lynch answers  
1:40:47 PM Statement by Chair Altman  
1:41:10 PM Comments from Mr. Lynch  
1:42:54 PM Chair Altman ask for additional questions  
1:43:01 PM Senator Sachs ask a question  
1:43:21 PM Mr. Lynch answers  
1:45:20 PM Chair Altman ask if there were additional questions  
1:45:28 PM Chair Altman ask for debate and he makes a statement  
1:47:01 PM Comments from Senator Sachs  
1:50:02 PM Chair Altman ask if there was any other debate and Senator Lee to closes on his bill  
1:50:19 PM Senator Lee closes on his bill  
1:53:03 PM Chair Altman ask for any other debate

**1:53:13 PM** Chair Altman ask Lois to call roll on SB 686  
**1:53:19 PM** Roll call by Administrative Assistant, Lois Graham  
**1:53:21 PM** SB 686 will be reported favorably  
**1:53:30 PM** Senator Sachs ask to be shown voting favorably for SB 620, SB 674 and SB 876  
**1:54:07 PM** Chair Altman states without objection let the record show Senator Sachs voting for each of the bills  
**1:54:11 PM** Chair Altman states that there is no other business before the committee and Senator Evers moves to rise