

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
MILITARY AFFAIRS, SPACE, AND DOMESTIC SECURITY
Senator Altman, Chair
Senator Hill, Vice Chair

MEETING DATE: Tuesday, April 5, 2011
TIME: 3:30 —5:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Altman, Chair; Senator Hill, Vice Chair; Senators Bennett, Bullard, Jones, Sachs, and Storms

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1574 Latvala (Identical H 1161)	Business Enterprise Opportunities/Wartime Veterans; Revises legislative intent. Renames and revises the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans.	MS 04/05/2011 GO BC
2	SB 2092 Military Affairs, Space, and Domestic Security	Emergency Public Shelters; Requires the Division of Emergency Management to submit a report to the Governor, Legislature, and Cabinet on compliance by school districts with public shelter requirements for educational facilities. Requires that the division create and administer a registry of newly constructed public shelters. Requires each county emergency management office to submit an annual report to the division on newly constructed educational facilities, etc.	MS 04/05/2011 CA BC



593784

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete line 26

and insert:

Legislature also intends to recognize wartime veterans and veterans of a period of war for their

Delete lines 54 - 56

and insert:

(d) "Wartime veteran" means:

1. A wartime veteran as defined in s. 1.01(14); or

2. A veteran of a period of war, as used in 38 U.S.C. s.



593784

13 1521, who served in the active military, naval, or air service:

14 a. For 90 days or more during a period of war;

15 b. During a period of war and was discharged or released
16 from such service for a service-connected disability;

17 c. For a period of 90 consecutive days or more and such
18 period began or ended during a period of war; or

19 d. For an aggregate of 90 days or more in two or more
20 separate periods of service during more than one period of war.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 8

25 and insert:

26 and operated by wartime veterans or veterans of a
27 period of war; providing an

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 Military Affairs, Space, and Domestic Security Committee

BILL: SB 1574

INTRODUCER: Senator Latvala

SUBJECT: Business Enterprise Opportunities for Wartime Veterans

DATE: April 4, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Pre-meeting
2.	_____	_____	GO	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends s. 295.187, F.S., to expand the vendor preference in state contracting, which applies to qualified service-disabled veterans, to include certain businesses owned and operated by wartime veterans. This bill defines the term “wartime veteran” as a person who served in the United States military in a combat zone and was honorably discharged, and requires applicants to provide documentation of wartime service from the United States Department of Veterans Affairs or the United States Department of Defense.

This bill substantially amends section 295.187 of the Florida Statutes.

II. Present Situation:

Minority and Service-Disabled Veteran Business Enterprise Certification Programs

The Office of Supplier Diversity (OSD) within the Department of Management Services (DMS) is dedicated to improving business and economic opportunities for Florida's minority, women, and service-disabled veteran business enterprises.¹ Current law requires DMS, through OSD, to implement a minority business enterprise (MBE) certification program and a small service-disabled veteran business enterprise (SDVBE) certification program.² Minority-, women-, and service-disabled veteran-owned businesses that are certified through OSD are eligible for benefits such as: first tier referrals to state agencies for contract opportunities; business development guidance from established corporations; participation at regional workshops,

¹DMS Office of Supplier Diversity website. Available at: http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd

² Sections 287.0943 and 295.187, F.S., require the DMS to implement the MBE and the SDVBE certification programs, respectively.

seminars, and corporate roundtables; and inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.³ During fiscal year 2009-10, the OSD certified 4,617 minority-, woman-, and service-disabled veteran-owned business enterprises statewide.⁴

The Service-Disabled Veteran Business Enterprises Opportunity Act

The intent of the Florida Service-Disabled Veteran Business Enterprise Opportunity Act⁵ is to “rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state, and the public, by providing opportunities for service-disabled veteran business enterprises as set forth in this section.”

Section 295.187, F.S., creates the certification process within DMS for SDVBEs. This section also creates a “tiebreaker” preference for SDVBEs by requiring a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified SDVBE, that are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified SDVBE. However, if a certified SDVBE and one or more SDVBE or businesses eligible for another statutory vendor preference, such as an MBE, submit bids or proposals that are equal with respect to all relevant considerations including price, quality, and service, the state agency must award the contract or proposal to the business having the smallest net worth. In order to become certified as a SDVBE, the owners and the business must satisfy statutory eligibility requirements. In order to be considered a “service-disabled veteran” eligible for certification, the veteran must be a permanent resident of Florida who has a service-connected disability of 10% or greater as determined by the U.S. Department of Veterans Affairs or who was terminated from military service by reason of disability by the U.S. Department of Defense.

In order to be certified as a SDVBE, a business enterprise must be an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees;
- Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments;
- Is organized to engage in commercial transactions;
- Is domiciled in this state;
- Is at least 51 percent owned by one or more service-disabled veterans; and
- Is managed and controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

Section 295.187, F.S., establishes a certification process administered by DMS, in coordination with the Florida Department of Veterans’ Affairs (DVA). The certification process requires

³ OSD Annual Report for Fiscal Year 2009-10. Available at: http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd/publications/annual_reports.

⁴ Id.

⁵ Section 295.187, F.S.

applicants to submit documentation demonstrating that the business meets the above-listed requirements. Certification is renewed biennially and may be revoked for one year if the SDVBE fails to inform DMS within 30 days of a change in circumstances that renders the business ineligible for certification.

Section 295.187, F.S., provides rule-making authority to DVA, and requires DVA to:

- Assist DMS in establishing a certification procedure, which shall be reviewed biennially and updated as necessary;
- Identify eligible service-disabled veteran business enterprises by any electronic means, including electronic mail, Internet website or by any other reasonable means;
- Encourage and assist eligible service-disabled veteran business enterprises to apply for certification under this section; and
- Provide information regarding services that are available from the Office of Veterans' Business Outreach of the Florida Small Business Development Center to service-disabled veteran business enterprises.

This section also provides rule-making authority to DMS, and requires DMS to:

- With assistance from the Department of Veterans' Affairs, establish a certification procedure, which must be reviewed biennially and updated as necessary;
- Grant, deny, or revoke the certification of a SDVBE; and
- Maintain an electronic directory of certified service-disabled veteran business enterprises for use by the state, political subdivisions of the state, and the public.

In addition, this section encourages political subdivisions of the state to offer a similar consideration to certified SDVBEs.

According to DMS, there are currently 1,297 service-disabled veterans registered in the state eProcurement system, MyFloridaMarketPlace (MFMP), in which 170 are certified by OSD.⁶

III. Effect of Proposed Changes:

This bill amends s. 295.187, F.S., to expand the “Florida Service-Disabled Veteran Business Enterprise Opportunity Act” (Act), to include certain businesses owned and operated by wartime veterans.

To support the expanded eligibility of the Act, this bill:

- Renames the Act as “Florida Veteran Business Enterprise Opportunity Act;”
- Expands the intent of the Act to include recognizing wartime veterans for their sacrifices;
- Defines the term “wartime veteran” as a person who served in the United States military in a combat zone and was honorably discharged; and
- Requires wartime veteran applicants to provide documentation of wartime service from the United States Department of Veterans Affairs or the United States Department of Defense; and
- Requires DVA to assist DMS in the expansion of the certification program.

⁶ Correspondence with DMS staff by Military Affairs, Space, and Domestic Security professional staff. April 1, 2011.

This bill provides an effective date of July 1, 2011.

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:

This bill may assist wartime veterans in competing for state contracts and procurements by expanding the SDVBE certification program to include wartime veterans.

C. Government Sector Impact:

According to DMS, this bill would increase the workload for OSD in processing applications and educating constituents. In addition, DMS would need to update the MFMP to create an identifier in the system for wartime veterans. However, DMS claims that no extra appropriation would be necessary to accommodate the change to MFMP. In the past, similar changes to the system have cost around \$10,000.⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁷ Correspondence with DMS staff by Military Affairs, Space, and Domestic Security professional staff. April 1, 2011.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

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 Military Affairs, Space, and Domestic Security Committee

BILL: SB 2092

INTRODUCER: Military Affairs, Space, and Domestic Security Committee

SUBJECT: Emergency Public Shelters

DATE: April 4, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill responds to two related findings noted in the Senate Interim Report 2011-130, “Florida’s Current Evacuation and Emergency Shelter Plans,” relating to emergency public shelters.

This bill requires the Division of Emergency Management (Division) to prepare a biennial report on the compliance by school districts with the public shelter design criteria in s. 1013.372(1), F.S. The report must be incorporated into the Statewide Emergency Shelter Plan required by s. 252.385(2)(b), F.S.

The Division must create and make available on its website, a registry that contains information on school district compliance with the public shelter design criteria developed pursuant to s. 1013.372(1), F.S.

In addition, each county emergency management office must biennially submit to the Division a report that addresses county-specific information on school district compliance with the public shelter design criteria in s. 1013.372(1), F.S.

Finally, this bill encourages school boards and the Department of Education to coordinate with the Division and county emergency management offices to implement the provisions in this bill.

This bill creates section 252.353 of the Florida Statutes.

II. Present Situation:

Florida is similar to many other coastal states in the U.S. in its susceptibility to a variety of hazards. These include wild fires, floods, and storm events. Hurricanes often receive the majority of attention paid to hazards because their season is long, and they can affect large geographic areas with one event. However, all hazards share the potential for evacuation and need for emergency public shelter.

Interim Report 2011-130 Findings

Senate Interim Report 2011-130, “Florida’s Current Evacuation and Emergency Shelter Plans,” stated the following findings as it relates to public emergency shelters:

- Certain regions in the state have deficiencies in both general population and special needs population public emergency shelter spaces. Construction of new educational facilities that are emergency shelter criteria compliant is Florida’s principal source of facilities used to reduce the state’s public emergency shelter deficit.
- Current statute requires newly constructed educational facilities to incorporate emergency shelter criteria in their building designs.¹ However, s. 1013.372, F.S., does not include a mechanism for enforcing compliance. A significant factor in non-compliance is the additional cost premium incurred by state and local entities in order to construct such facilities to meet emergency shelter standards.

Statewide Emergency Shelter Plan

The Division is responsible for preparing a Statewide Emergency Shelter Plan² which is used as a guide for local emergency planning and provides consultative assistance to school districts contemplating construction of educational facilities.³

Florida Statutes require that newly constructed educational facilities incorporate design criteria so that they may also function as public emergency shelters.⁴ Florida relies heavily on newly constructed educational facilities as its principal source of additional public emergency shelter space used to reduce its shelter space deficit.

In accordance with the statute, the plan must:

- Identify the general location and square footage of existing shelters by Regional Planning Council regions;
- Identify the general location and square footage of needed shelters by Regional Planning Council regions for the next five years;
- Identify the types of facilities which should be constructed to comply with the public shelter design criteria; and

¹ Section 1013.372(1), F.S.

² Section 252.385(2)(b), F.S.

³ State of Florida, 2010 Statewide Emergency Shelter Plan, January 31, 2010, page i.

⁴ Section 1013.372(1), F.S.

- Recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within those public facilities.⁵

The following tables illustrate the current and projected demand, current capacity, and current and projected deficit of shelter spaces for both general population and special needs persons.

General Population Shelter Demand and Capacities				
2010 Cat. 5 Shelter Demand, persons	2015 Cat. 5 Shelter Demand, persons	2010 Shelter Capacity, persons	2010 Shelter Surplus/ (Deficit), persons	2015 Shelter Surplus/ (Deficit), persons
1,388,590	1,533,125	1,073,305	(315,285)	(459,820)

Special Needs Shelter Demand and Capacities				
2010 Cat. 5 Shelter Demand, clients	2015 Cat. 5 Shelter Demand, clients	2010 Shelter Capacity, clients	2010 Shelter Surplus/ (Deficit), clients	2015 Shelter Surplus/ (Deficit), clients
51,221	55,217	39,753	(11,468)	(15,464)

Source: Division of Emergency Management

There are 11 Regional Planning Council regions in Florida, only five of which currently have a surplus of general population shelter space. These five regions include West Florida/Region 1, Apalachee/Region 2, Central Florida/Region 6, Treasure Coast/Region 10, and South Florida/Region 11.⁶

These five regions include the following counties: Bay, Brevard, Broward, Escambia, Gadsden, Gilchrist, Hardee, Hernando, Highlands, Indian River, Lake, Leon, Liberty, Madison, Manatee, Martin, Miami-Dade, Okaloosa, Orange, Osceola, Palm Beach, St. Johns, St. Lucie, Santa Rosa, Seminole, Taylor, Walton, and Washington.⁷

Only two regions are deemed to have a surplus of special needs shelter spaces, Treasure Coast/Region 10 and South Florida/Region 11.⁸ These two regions include the following counties: Indian River, Martin, Palm Beach, St. Lucie, Broward, Miami- Dade, and Monroe.

According to the Statewide Emergency Shelter Plan, when appropriately located, designed, and constructed, the following types of facilities are normally considered suitable for use as public hurricane shelters:

- Community and civic centers, meeting halls, gymnasiums, auditoriums, cafeterias and open floor multipurpose facilities, exhibition halls, sports arenas, field houses, conference and training centers, certain classroom buildings, and other public assembly facilities.⁹

⁵ State of Florida, 2010 Statewide Emergency Shelter Plan, January 31, 2010, p. i.

⁶ Id.

⁷ Ibid, p. v.

⁸ Ibid. p. ii.

⁹ Ibid. p. iii.

Conditions which would prevent a facility from being used as a public shelter include:

- Location (facilities within Category 1, 2, or 3 hurricane evacuation zones, and possibly Category 4 and 5; facility isolation due to possible surrounding flooding; presence of certain hazardous materials; low evacuation demand, etc.);
- Size (less than 2,000 square feet of usable floor area); or
- Other characteristics (incompatibility with a facility's normal use or availability e.g. a mass care facility, long range planning considerations, etc.).¹⁰

In order to eliminate the statewide deficit in public shelter spaces, the Division has implemented a multifaceted program that includes:

- Survey of existing buildings, both public and private to identify suitable shelter capacity;
- Where cost effective and practical, support mitigation and retrofitting of existing facilities;
- Construct new facilities to meet the public shelter design criteria;
- Reduce shelter demand through the use of both improved hurricane hazard models that more accurately depict threatened areas and updated behavioral studies that better predict population evacuation decisions; and
- Improve public information/education to reduce unnecessary "shadow"¹¹ evacuations.¹²

While Florida relies on new educational facility construction to aid in meeting its public shelter deficit, there are drawbacks to the program. For example, district school boards have generally been reporting a cost premium of between three to six percent for incorporating shelter construction criteria in educational facility designs. This can be a significant additional cost to state and local agencies.¹³

In addition, certain newly constructed educational facilities are exempted from the statutory requirement for incorporation of shelter design criteria. For example, if a county has a current and projected surplus of shelter spaces, the facility is exempt from having to incorporate the shelter criteria.

Not all new educational facility construction benefits the reduction in shelter space deficit effort. According to the 2010 Statewide Emergency Shelter Plan, there were 3,092 new buildings constructed between 2000 and 2009. Of these, 1,794 were recognized as meeting the requirements of the law, 1,125 were lawfully exempt, and 1,298 did not comply with the requirements.¹⁴ The Division considers square footage as the most reliable measure of non-compliance. The combined net square footage, 20,951,764 square feet of non-compliant buildings constructed during the period amounted to a non-compliance rate of 34.11 percent.¹⁵ While s.1013.372, F.S., requires shelter criteria incorporation for educational facilities, the section does not impose any sanction for non-compliance.

¹⁰ Id.

¹¹ Shadow evacuations are evacuations made by people who are not in the threat area and which are generally unnecessary. Shadow evacuees place additional strain on evacuation route capacity and possibly on available shelter capacity.

¹² State of Florida, 2010 Statewide Emergency Shelter Plan, January 31, 2010, p. iv.

¹³ Id.

¹⁴ Ibid. p. iii.

¹⁵ Ibid, p. iv.

However, since 2000 Florida's deficit of hurricane shelter space has been reduced by 72 percent. Based on current trends, the Division estimates that 84,000 spaces will be added to the state's inventory each year.¹⁶

Pursuant to its statutory obligation, the Division has identified the Public Education Construction Outlay (PECO) as the only capital outlay fund available to support new hurricane shelter construction. PECO funds are used to support site acquisition and improvements necessary to accommodate buildings, equipment, and other structures of district school boards, community colleges, and universities. The Department of Education has distributed about \$1,877,969,362 in new construction funds to district school boards since the requirement for incorporating shelter construction criteria was first introduced in 1997.¹⁷

III. Effect of Proposed Changes:

This bill creates s. 252.353, F.S., to require the Division to include in its biennial Statewide Emergency Shelter Plan required by s. 252.385(2)(b), F.S., a report on school district compliance with the public shelter design criteria in s. 1013.372(1), F.S. Specifically, the report must include:

- A listing by county of the number of educational facilities there were permitted for construction by each school district during the reporting period that met or failed to meet the public shelter standards;
- The composition of general population shelters and special needs shelters for the permitted educational facilities that met the public shelter standards;
- An explanation of the exemption process for each newly permitted educational facility that was granted an exemption from the public shelter design criteria during the reporting period; and
- Information on school district facilities that were retrofitted during the reporting period.

By January 31, 2012, the Division must create and make available on its website, a registry that contains information on school district compliance with the public shelter design criteria developed pursuant to s. 1013.372(1), F.S., which shall include data beginning on January 1, 2011.

In addition, by November 30, 2011, and each odd-number year thereafter, each county emergency management office must submit a report to the Division on school district facilities within the county which addresses the reporting requirements in subsection (1) of this bill.

Finally, this bill encourages school boards and the Department of Education to coordinate with the Division and county emergency management offices to implement the provisions in this bill.

This bill provides an effective date of July 1, 2011.

¹⁶ Ibid, p. v.

¹⁷ Ibid, p. iv.

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:

None.

C. Government Sector Impact:

The Division will likely incur minimal expenses in designing a registry to be made available on its website that allows access to public emergency shelter information required by the bill.

The county emergency management offices will also likely incur minimal expenses in drafting an annual report that includes the county-specific public emergency shelter information required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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