

**SB 138** by **Brandes (CO-INTRODUCERS) Dean**; (Identical to H 7003) Interstate Compact on Educational Opportunity for Military Children

**SB 160** by **Richter (CO-INTRODUCERS) Dean**; (Similar to H 0115) Licensure Fee Exemptions for Military Veterans

**SPB 7002** by **MS**; OGSR/Direct-support Organization of the Department of Veterans' Affairs/Donor Information

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

**MEETING DATE:** Wednesday, January 23, 2013

**TIME:** 4:00 —6:00 p.m.

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

**MEMBERS:** Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Abruzzo, Bullard, Dean, Evers, Gardiner, Legg, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 138</b> Brandes (Identical H 7003)	Interstate Compact on Educational Opportunity for Military Children; Providing for future legislative review and repeal of the Interstate Compact on Educational Opportunity for Military Children, etc.  MS     01/23/2013 Favorable ED AP	Favorable Yeas 9 Nays 0
2	<b>SB 160</b> Richter (Similar H 115)	Licensure Fee Exemptions for Military Veterans; Requiring that the Department of Health waive certain licensure fees for veterans; requiring the department to prescribe the format of the fee waiver; limiting the time period a veteran can apply to 24 months from discharge; requiring applying veterans to be honorably discharged, etc.  MS     01/23/2013 Favorable HP AHS AP	Favorable Yeas 9 Nays 0
3	Consideration of proposed committee bill:		
	<b>SPB 7002</b>	OGSR/Direct-support Organization of the Department of Veterans' Affairs/Donor Information; Amending a provision which provides an exemption from public records requirements for all identifying information of a donor or prospective donor to the direct-support organization of the Department of Veterans' Affairs, and an exemption from public meetings requirements for portions of meetings of the direct-support organization at which identifying information of a donor or prospective donor is discussed; saving the exemptions from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemptions, etc.	Submitted as Committee Bill
4	Presentation on the Florida Defense Support Task Force:  Rocky McPherson, Vice President, Military and Defense Programs, Enterprise Florida, Inc.		Presented

**COMMITTEE MEETING EXPANDED AGENDA**

Military Affairs, Space, and Domestic Security  
Wednesday, January 23, 2013, 4:00 —6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	Other Related Meeting Documents		

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**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 Affairs, Space, and Domestic Security

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BILL: SB 138

INTRODUCER: Senator Brandes

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: January 22, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	<b>Favorable</b>
2.			ED	
3.			AP	
4.				
5.				
6.				

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**I. Summary:**

Senate Bill 138 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children.

The bill provides for future legislative review and repeal of the Interstate Compact on Educational Opportunity for Military Children three years following the effective date of the act, which is upon becoming a law.

The bill repeals section 3, chapter 2010-52, Laws of Florida, which provides for a future repeal of sections 1000.36, 1000.37, 1000.38, and 1000.39 of the Florida Statutes.

**II. Present Situation:**

**Interstate Compact on Educational Opportunity for Military Children**

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through grade 12. When a parent is reassigned, military children may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and

- The need to appoint temporary guardians while the child's parent is deployed.<sup>1</sup>

The Interstate Compact on Educational Opportunity for Military Children assists member states in uniformly addressing educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and on-time-graduation for children of active-duty military families. The compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.<sup>2</sup>

States were required to enact the compact into law in order to join the compact, which the Florida Legislature did in the 2008 General Session.<sup>3</sup> Enactment by ten states was required in order for the compact to take effect and be binding on member states, which occurred when Delaware became the tenth state to adopt the compact on July 9, 2008.<sup>4</sup> Currently, 43 states and the District of Columbia are members of the compact.<sup>5</sup>

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission may adopt and enforce bylaws and compact rules and perform various administrative functions necessary to day-to-day operations.<sup>6</sup> The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Each state is entitled to one vote on compact rule adoption or other business matters.<sup>7</sup> The Commission must meet at least once per year.<sup>8</sup>

### **Compact Rule Adoption**

The Commission is authorized to promulgate compact rules which govern member states in the areas addressed by the compact. The compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.<sup>9</sup> Compact rules must not exceed the scope of authority granted by the compact. A majority of member state legislatures may invalidate a compact rule by legislative action.<sup>10</sup>

Since enactment in 2008, Florida's compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature.<sup>11</sup> The repeal provision addresses concerns regarding unconstitutional delegation of

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<sup>1</sup> Council of State Governments, *Interstate Compact on Educational Opportunity for Military Children: Legislative Resource Kit*, at 6-7 (Jan. 2011), available at <http://www.mic3.net/pages/commissioners/documents/2011LegislativeResourceKit-Final.pdf> (last viewed January 17, 2013).

<sup>2</sup> *Id.* at 7-10.

<sup>3</sup> Chapter 2008-225, L.O.F.; CS/HB 1203 (2008); ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S.

<sup>4</sup> Article XV, s. B. of the Compact, s. 1000.36, F.S.; 76 Del. Laws 327 (2008).

<sup>5</sup> Military Interstate Children's Compact Commission, *Member and Nonmember States Map* (July 2012), available at <http://mic3.net/pages/resources/documents/MIC3ColorMapJul1.pdf>.

<sup>6</sup> Article X, of the Compact, s. 1000.36, F.S.

<sup>7</sup> Article IX, s. B. of the Compact, s. 1000.36, F.S.

<sup>8</sup> Article IX, s. D. of the Compact, s. 1000.36, F.S.

<sup>9</sup> Article X, s. B. and XVIII, s. B. of the Compact, s. 1000.36, F.S.

<sup>10</sup> Article XII of the Compact, s. 1000.36, F.S.

<sup>11</sup> *See, e.g.*, s. 3, ch. 2010-52, L.O.F.

legislative authority under Article II, s. 3, of the Florida Constitution.<sup>12</sup> Because membership in the compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the compact after such review avoids a claim that the Legislature has delegated its authority.<sup>13</sup>

The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.<sup>14</sup> Since then, two rule amendments have been adopted by the Commission:

- Compact rule 2.104, which provides the compact membership dues formula, was amended in November 2011 to establish a minimum dues obligation of \$2,000 and a maximum dues obligation of \$60,000.
- Compact rule 3.102, relating to kindergarten and first grade entrance age, was amended in November 2012 to clarify that a student must “*physically attend*” kindergarten in the sending state in order to transfer into kindergarten in the receiving state.<sup>15</sup>

Neither amendment impairs Florida’s continued participation in the compact.

### III. Effect of Proposed Changes:

**Section 1** repeals s. 3, ch. 2010-52, L.O.F., which provides for automatic repeal of the compact legislation.

**Section 2** provides for repeal of ss. 1000.36, 1000.37, 1000.38, and 1000.39, F.S., the “Interstate Compact on Educational Opportunity for Military Children,” three years after the effective date of the bill unless reviewed and reenacted by the Legislature.

**Section 3** provides that the bill takes effect upon becoming law.

### IV. Constitutional Issues:

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

None.

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<sup>12</sup> Article II, s. 3 of the Florida Constitution provides for separation of powers among the executive, legislative, and judicial branches of state government. Courts construing this provision have held that the Legislature, when delegating the administration of legislative programs to executive agencies or other entities, must establish minimal standards and guidelines ascertainable by reference to the legislation creating the program. *See Avatar Development Corp. v. State*, 723 So.2d 199 (Fla. 1998).

<sup>13</sup> Florida Senate, Legislative Bill Analysis for SB 1060 (2010).

<sup>14</sup> Sections 3 and 4, ch. 2010-152, L.O.F.

<sup>15</sup> Military Interstate Children’s Compact Commission, *Commission Rule Change, Rule 3.102(b) defining “Kindergarten enrollment,”* at 1 (Nov. 2012), available at <http://www.mic3.net/documents/MIC3CommissionRules-Final-amendedNov2012.pdf>; Military Interstate Children’s Compact Commission, *Adopted Rules* (Nov. 2012), available at <http://mic3.net/pages/commissioners/documents/MIC3CommissionRules-Final-amendedNov2012.pdf> (see rules 2.104 and 3.102).

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

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

The Florida Supreme Court has held that it is an unconstitutional delegation of legislative authority for the Legislature to prospectively adopt rules not yet promulgated by federal administrative bodies.<sup>16</sup> To address concerns regarding delegation of legislative authority, the bill provides for automatic repeal of Florida's compact legislation three years after the bill takes effect, unless reauthorized by the Legislature. The repeal provision allows the Legislature to determine whether it agrees with any new compact rules or rule amendments adopted during the three year period and consider reauthorization of the compact. Reauthorizing the compact periodically accounts for any new compact rules and amendments adopted by the Commission since the last reauthorization, thereby avoiding a claim that the Legislature has agreed to be bound by compact rules not yet promulgated.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The compact requires the Commission to levy membership dues from each member state to finance Commission operations and staffing.<sup>17</sup> Membership dues are based upon \$1 per dependent child of active-duty military personnel residing in a member state.<sup>18</sup> According to the Department of Education (DOE), there are approximately 31,000 children of active-duty military personnel living in Florida. DOE's legislative budget request for FY 2013-14 requests a total of \$62,911 to fund membership dues. Of this amount, \$30,911 is requested to cover dues owed for FY 2012-13 and \$32,000 is requested to cover dues for FY 2013-14.<sup>19</sup>

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<sup>16</sup> *Freimuth v. State*, 272 So.2d 473, 476 (Fla. 1972); *Fla. Indus. Commission v. State ex rel. Orange State Oil Co.*, 21 So.2d 599, 603 (Fla. 1945).

<sup>17</sup> Article XIV of the Compact, s. 1000.36, F.S.

<sup>18</sup> Section 2.102, Interstate Commission Rules. There is a minimum dues obligation of \$2,000 and a maximum of \$60,000. *Id.*

<sup>19</sup> Florida Department of Education, *2013-14 Operating Legislative Budget Request*, 184 (Oct. 2012), available at [http://www.fldoe.org/board/meetings/2012\\_10\\_09/lbr.pdf](http://www.fldoe.org/board/meetings/2012_10_09/lbr.pdf).

Florida has failed to timely pay its annual compact membership dues each year since enactment of the compact in 2008. DOE routinely requests funding for dues in its annual Legislative budget requests, but has received no funding through the General Appropriations Act specifically for membership dues.<sup>20</sup> However, DOE has found other funding sources to pay the dues. In 2010, federal grant funds held by the Department of Veterans Affairs were used to pay dues owed through FY 2009-10.<sup>21</sup> In 2012, Florida's past-due membership dues for FYs 2010-11 and 2011-12 were paid by Enterprise Florida (at the direction of the Governor).<sup>22</sup>

**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.

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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> See, e.g., Florida Department of Education, *2010-2011 Operating Legislative Budget Request*, 208-290 (Sept. 2009), available at [http://www.fldoe.org/board/meetings/2009\\_09\\_15/2010-11OperatingLegislativeBudgetRequest.pdf](http://www.fldoe.org/board/meetings/2009_09_15/2010-11OperatingLegislativeBudgetRequest.pdf) [Requesting \$66,604 to fund dues for FYs 2009-10 (past-due) and 2010-11]; see, e.g., Florida Department of Education, *2012-13 Operating Legislative Budget Request*, 199-201 (August 2011), available at [http://www.fldoe.org/board/meetings/2011\\_08\\_23/fdoelbr.pdf](http://www.fldoe.org/board/meetings/2011_08_23/fdoelbr.pdf) (Requesting \$97, 311 to cover dues for FYs 2010-11 [past-due], 2011-12 (past-due), and 2012-13).

<sup>21</sup> Quarterly Meeting, State Council on Educational Opportunity for Military Children, July 9, 2010.

<sup>22</sup> Quarterly Meeting, State Council on Educational Opportunity for Military Children, Oct. 19, 2012.

By Senator Brandes

22-00358-13

2013138\_\_

1                   A bill to be entitled  
2           An act relating to the Interstate Compact on  
3           Educational Opportunity for Military Children;  
4           repealing s. 3 of ch. 2010-52, Laws of Florida;  
5           abrogating the future repeal of ss. 1000.36, 1000.37,  
6           1000.38, and 1000.39, F.S., relating to the compact;  
7           providing for future legislative review and repeal of  
8           the compact; providing an effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Section 3 of chapter 2010-52, Laws of Florida,  
13 is repealed.

14           Section 2. Sections 1000.36, 1000.37, 1000.38, and 1000.39,  
15 Florida Statutes, shall stand repealed 3 years after the  
16 effective date of this act unless reviewed and saved from repeal  
17 through reenactment by the Legislature.

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_ Bill Number 138  
*(if applicable)*

Name Glenn SUTATHIN Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title CHIEF OF LEGISLATIVE AFFAIRS

Address THE CAPITAL Phone (850) 414-9049  
*Street*

TALLAHASSEE FL 32399 E-mail \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing \_\_\_\_\_

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

JAN 23 2013  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB 138  
(if applicable)

Name MIKE PRENDERGAST

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title EXECUTIVE DIRECTOR, FOIA

727-518-3202

Address 2105, THE CAPITOL

Phone ~~727-518-3202~~

Street  
TALLAHASSEE, FL  
City State Zip

E-mail prendergastm@  
FOIA, STATE, FL, US

Speaking:  For  Against  Information

Representing FOIA

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.

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**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 Affairs, Space, and Domestic Security

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BILL: SB 160

INTRODUCER: Senator Richter

SUBJECT: Licensure Fee Exemptions for Military Veterans

DATE: January 22, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	<b>Favorable</b>
2.	_____	_____	HP	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 160 requires the Department of Health to waive certain licensure fees for honorably discharged military veterans within 24 months after discharge from any branch of the U.S. Armed Forces. Current law does not allow the Department of Health or its regulatory boards to distinguish applicants based on military service.

The bill substantially amends section 456.013 of the Florida Statutes.

**II. Present Situation:**

**Military and Veteran Presence in Florida**

The United States currently has 1.4 million people serving in the U.S. Armed Forces, over 23 million veterans living in the U.S. and over 200 military installations in 46 states, District of Columbia, and Puerto Rico.<sup>1</sup> The military operations of the United States touch every state in some way.

The state of Florida, with its 20 major military installations, is home to a large population of active duty and reserve military members as well as veterans. Currently, there are over 61,000

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<sup>1</sup> National Conference of State Legislatures, *Military and Veterans Affairs*, available at: <http://www.ncsl.org/issues-research/env-res/military-and-veterans-affairs.aspx> (Last viewed on January 21, 2013).

active duty military members<sup>2</sup> and 12,000 National Guard members<sup>3</sup> in Florida. The number of veterans living in Florida is over 1.6 million, second only to California.<sup>4</sup>

While the majority of programs and benefits for military personnel and veterans are administered by the Federal Government, states and state legislatures are playing an increasingly larger role in military issues.

### **Professional Licensure Benefits for Military Members, Veterans, and Spouses**

In recent years, the Legislature has enacted laws to assist current military personnel, their spouses, and veterans in obtaining and renewing professional licensure in Florida.

Current law<sup>5</sup> exempts military personnel from license renewal requirements for the duration of active duty while absent from the state of Florida, and for a period of six months after discharge or return to the state. This benefit applies to military members on active duty who hold certain professional licenses regulated by the Department of Business and Professional Regulation (DBPR) or the Department of Health (DOH), who are not practicing their profession in the private sector. This benefit is also available to the spouses of active duty military members.<sup>6</sup>

To address the obstacles military families face due to frequent moves, the Legislature enacted CS/CS/CS/HB 713 in 2010<sup>7</sup> and CS/CS/CS/HB 1319<sup>8</sup> in 2011 to allow the DBPR and the DOH, respectively, to issue a temporary professional license to the spouse of a military member. To obtain a temporary license, the spouse must submit proof of marriage to the military member, proof that he or she holds an active license in another state or jurisdiction, and proof that the military member is assigned to a duty station in Florida.

Most recently, in 2012, the Legislature enacted CS/CS/HB 887,<sup>9</sup> which waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the DBPR for a license within 24 months of being honorably discharged. These licensure fee waivers apply only to professions regulated by the DBPR and does not apply to health professions under the DOH.

### **Department of Health Regulated Professions**

Section 20.43, F.S., creates several divisions under the DOH, including the Division of Medical Quality Assurance (division), which is responsible for the following boards and professions established within the division:

- The Board of Acupuncture, created under chapter 457.
- The Board of Medicine, created under chapter 458.
- The Board of Osteopathic Medicine, created under chapter 459.
- The Board of Chiropractic Medicine, created under chapter 460.

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<sup>2</sup> University of West Florida: *Florida Defense Industry, Economic Impact Analysis*, 2013 Draft Report.

<sup>3</sup> E-mail correspondence with Florida Department of Military Affairs staff. January 22, 2013.

<sup>4</sup> United States Census Bureau, A Snapshot of Our Nation's Veterans, [http://www.census.gov/how/pdf/census\\_veterans.pdf](http://www.census.gov/how/pdf/census_veterans.pdf) (last visited January 22, 2013).

<sup>5</sup> Sections 455.02(1) and 456.024(1), F.S.

<sup>6</sup> Sections 455.02(2) and 456.024(2), F.S.

<sup>7</sup> Chapter 2010-106, Laws of Florida

<sup>8</sup> Chapter 2011-95, Laws of Florida

<sup>9</sup> Chapter 2012-72, Laws of Florida

- The Board of Podiatric Medicine, created under chapter 461.
- The Board of Optometry, created under chapter 463.
- The Board of Nursing, created under part I of chapter 464.
- The Board of Pharmacy, created under chapter 465.
- The Board of Dentistry, created under chapter 466.
- The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
- The Board of Nursing Home Administrators, created under part II of chapter 468.
- The Board of Occupational Therapy, created under part III of chapter 468.
- The Board of Athletic Training, created under part XIII of chapter 468.
- The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.
- The Board of Massage Therapy, created under chapter 480.
- The Board of Clinical Laboratory Personnel, created under part III of chapter 483.
- The Board of Opticianry, created under part I of chapter 484.
- The Board of Hearing Aid Specialists, created under part II of chapter 484.
- The Board of Physical Therapy Practice, created under chapter 486.
- The Board of Psychology, created under chapter 490.
- The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

In addition to the professions regulated by the various aforementioned boards, the DOH also regulates the following professions: naturopathy, as provided under chapter 462; nursing assistants, as provided under part II of chapter 464; midwifery, as provided under chapter 467; respiratory therapy, as provided under part V of chapter 468; dietetics and nutrition practice, as provided under part X of chapter 468; electrolysis, as provided under chapter 478; medical physicists, as provided under part IV of chapter 483; and school psychologists, as provided under chapter 490.

Typical fees associated with obtaining an initial license include an initial licensing fee,<sup>10</sup> an initial application fee,<sup>11</sup> and an initial unlicensed activity fee.<sup>12</sup> Each board within the jurisdiction of the DOH, or the DOH when there is no board, determines by rule the amount of license fees for the profession it regulates.<sup>13</sup>

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

The bill amends s. 456.013, F.S., to require the DOH to waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably discharged military

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<sup>10</sup> Pursuant to s. 456.013(2), F.S., before the issuance of any license, the DOH shall charge an initial license fee as determined by the applicable board or, if there is no board, by rule of the DOH.

<sup>11</sup> Each DOH board, or the DOH when there is no board, determines by rule the amount of initial application fees for the profession it regulates.

<sup>12</sup> Pursuant to s. 456.065, F.S., the DOH imposes upon initial licensure and each licensure renewal, a special fee of \$5 per license to fund efforts to combat unlicensed activity.

<sup>13</sup> Section 456.025(3), F.S.

veteran who applies to the DOH for a license, within 24 months after discharge from the U.S. Armed Forces.

The bill provides an effective date of July 1, 2013.

#### **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:

According to the DOH, it is indeterminate the number of military veterans that will apply for licensure, who have been honorably discharged from the U.S. Armed Forces within 24 months prior to applying for licensure; therefore, the fiscal impact cannot be determined at this time. However, it is anticipated that the bill will have an insignificant impact on the Division of Medical Quality Assurance trust fund related to the reduction in licensing fees.<sup>14</sup>

B. Private Sector Impact:

The bill eliminates fees associated with initial health care licensure for military veterans who have been honorably discharged from the U.S. Armed Forces within 24 months prior to applying for licensure.

C. Government Sector Impact:

According to the DOH, there will be a non-recurring increase in work associated with the modification of the Customer Oriented Medical Practitioner Administration System licensure system to accommodate the new requirements in the bill. The DOH states that current resources are adequate to absorb this one-time workload increase.<sup>15</sup>

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

None.

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<sup>14</sup> Florida Department of Health, SB 160 Agency Bill Analysis. (January 3, 2013).

<sup>15</sup> Id.

**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.

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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

23-00239-13

2013160\_\_

1 A bill to be entitled

2 An act relating to licensure fee exemptions for  
3 military veterans; requiring that the Department of  
4 Health waive certain licensure fees for veterans;  
5 requiring the department to prescribe the format of  
6 the fee waiver; limiting the time period a veteran can  
7 apply to 24 months from discharge; requiring applying  
8 veterans to be honorably discharged; providing an  
9 effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (13) is added to section 456.013,  
14 Florida Statutes, to read:

15 456.013 Department; general licensing provisions.—

16 (13) The department shall waive the initial licensing fee,  
17 the initial application fee, and the initial unlicensed activity  
18 fee for a military veteran who applies to the department for a  
19 license, in a format prescribed by the department, within 24  
20 months after discharge from any branch of the United States  
21 Armed Forces. To qualify for this waiver, the veteran must be  
22 honorably discharged.

23 Section 2. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number 160  
(if applicable)

Name GLENN SUTPHIN DMA

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title CHIEF OF LEGISLATIVE AFFAIRS

Address THE CAPITAL

Phone (850) 414-9049

Street

TALLAHASSEE FL 32389

E-mail \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Representing \_\_\_\_\_

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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1-23-2013  
Meeting Date

Topic \_\_\_\_\_ Bill Number SB 160  
*(if applicable)*

Name Jo Morris Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative Affairs / Dept. of Health

Address 2505 Merchants Row Blvd. Phone 850-245-4006  
*Street*

Tallahassee FL 32311 E-mail \_\_\_\_\_  
*City State Zip*

Speaking:  For  Against  Information

Representing FL Dept. of Health

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.**

**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 Affairs, Space, and Domestic Security

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BILL: SPB 7002

INTRODUCER: For consideration by the Committee on Military Affairs, Space, and Domestic Security

SUBJECT: OGSR/Direct-support Organization of the Department of Veterans' Affairs/Donor Information

DATE: January 22, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon		<b>Submitted as Committee Bill</b>
2.				
3.				
4.				
5.				
6.				

---

**I. Summary:**

Senate proposed bill 7002 is the result of an Open Government Sunset Review performed by the Committee on Military Affairs, Space, and Domestic Security.

Current law<sup>1</sup> provides that certain personal information identifying a donor or prospective donor to the direct-support organization to the Florida Department of Veterans' Affairs, who desires to remain anonymous, is confidential and exempt from public records requirements. This exemption also applies to portions of meetings of the direct-support organization during which the identity of a donor or prospective donor is discussed. This exemption is subject to review under the Open Government Sunset Review Act.<sup>2</sup> It will sunset on October 2, 2013, unless saved from repeal through reenactment by the Legislature.

The bill reenacts the exemption.

The bill substantially amends section 292.055(9) of the Florida Statutes.

**II. Present Situation:**

**Public Records and Open Meeting Requirements**

The State Constitution specifies requirements for public access to government records and meetings. It provides every person the right to inspect or copy any public record made or

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<sup>1</sup> Section 252.055(9), F.S.

<sup>2</sup> Section 119.15, F.S.

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>3</sup> The records of the legislative, executive, and judicial branches are specifically included.<sup>4</sup> The State Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.<sup>5</sup>

In addition to the State Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act<sup>6</sup> guarantees every person's right to inspect and copy any state or local government public record<sup>7</sup> at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> The Sunshine Law<sup>9</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>10</sup>

Only the Legislature may create an exemption to public records or open meetings requirements.<sup>11</sup> Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.<sup>12</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

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

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

<sup>5</sup> FLA. CONST., art. I, s. 24(b).

<sup>6</sup> Chapter 119, F.S.

<sup>7</sup> Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 286.011, F.S.

<sup>10</sup> Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the State Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

<sup>11</sup> FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see 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)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

<sup>12</sup> FLA. CONST., art. I, s. 24(c).

substantive provisions<sup>13</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>14</sup>

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

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>15</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>16</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>17</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- It protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- It protects trade or business secrets.<sup>18</sup>

The Act also requires specified questions to be considered during the review process.<sup>19</sup>

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is expanded.<sup>20</sup> A public necessity statement and a two-thirds vote for passage are not required if the exemption is reenacted with grammatical or

<sup>13</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>14</sup> FLA. CONST., art. I, s. 24(c).

<sup>15</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>16</sup> Section 119.15(3), F.S.

<sup>17</sup> Section 119.15(6)(b), F.S.

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

<sup>19</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>20</sup> An exemption is expanded when it is amended to include more records, information, or meetings or to include meetings as well as records, or records as well as meetings.

stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception<sup>21</sup> to the exemption is created.

### **The Florida Veterans Foundation**

The 2008 Legislature authorized the establishment of a direct-support organization to provide assistance, funding and support for the Florida Department of Veterans' Affairs (FDVA) in carrying out its mission of veterans' advocacy.<sup>22</sup> Section 292.055(2), F.S., calls on the direct-support organization to organize and operate exclusively to:

- Obtain funds;
- Request and receive grants, gifts, and bequests of moneys;
- Acquire, receive, hold, invest, and administer in its own name securities, funds, or property; and
- Make expenditures to or for the benefit of the FDVA, Florida's veterans, and congressionally chartered veterans service organizations that have subdivisions that are incorporated in Florida.

The direct-support organization was incorporated as the Florida Veterans Foundation (FVF) in June 2008, and is governed by a voluntary board of directors appointed by the executive director of the FDVA.

The FVF's mission is to serve, support, and advocate for Florida veterans to improve their well-being. To achieve its mission, the FVF has identified the following goals that it aims to further with its charitable and educational programs and services:

- Keeping veterans in their homes safely and comfortably;
- Increasing a veteran's access to quality healthcare and benefits;
- Raising the public's awareness of psychological and neurological issues facing veterans;
- Reducing the stigma associated with seeking behavioral health treatment;
- Decreasing veterans suicide;
- Increasing veteran employment;
- Reducing chronic homelessness among veterans; and
- Providing justice-involved veterans an opportunity to receive treatment vice incarceration.<sup>23</sup>

For the first four years of its existence, the FVF relied upon a combination of state funding and charitable donations to carry out its mission. When the 2008 Legislature authorized the establishment of the FVF, it also created a short-term state funding source to support the organization. The Legislature entitled the FVF to a percentage of the annual revenue collected from the sale of the Florida Salutes Veterans license plate.<sup>24</sup> This allocation of state revenue expired on June 30, 2012, and served as a substantial revenue source for the FVF for four

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<sup>21</sup> An example of an exception to a public records exemption would be allowing an additional agency access to confidential and exempt records.

<sup>22</sup> Chapter 2008-84, L.O.F.

<sup>23</sup> See Florida Veterans Foundation *Who We Are Brochure*.

[http://www.floridaveteransfoundation.org/DOCs/Who\\_We\\_Are\\_Brochure.pdf](http://www.floridaveteransfoundation.org/DOCs/Who_We_Are_Brochure.pdf)

<sup>24</sup> For fiscal years 2008-09 and 2009-10, the FVF was entitled to 20 percent of the Florida Salutes Veterans license plate revenue (Ch. 2008-84, L.O.F.). For fiscal years 2010-11 and 2011-12, the percentage which FVF was entitled was reduced to 10 percent of the license plate revenue (Ch. 2010-168, L.O.F.).

years.<sup>25</sup> Moving forward, the FVF will rely solely on charitable donations to carry out its functions.

The table below illustrates the annual revenue the FVF received from charitable donations and license plate fees since its inception.<sup>26</sup>

REVENUE SOURCE	FISCAL YEAR				TOTAL
	2008-09	2009-10	2010-11	2011-12	
<b>Charitable Donations</b>	\$108,870	\$54,124	\$29,327	\$205,136	\$397,457
<b>License Plate Fees</b>	\$68,052	\$63,199	\$26,644 <sup>27</sup>	\$23,325	\$181,220
<b>Total</b>	\$176,922	\$117,323	\$55,971	\$228,461	\$578,677

### **Current Exemption Under Review**

Under s. 295.055(9), F.S., the following information held by the FVF is exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution:

- The identity of a donor or prospective donor to the foundation who wishes to remain anonymous; and
- All information identifying such donor or prospective donor.

In addition, portions of meetings of the FVF during which the identity of donors or prospective donors is discussed are also confidential and exempt from the provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

This public record exemption is scheduled to expire on October 2, 2013, unless saved from repeal by the Legislature after a review under the Open Government Sunset Act.<sup>28</sup>

Senate professional staff of the Committee on Military Affairs, Space, and Domestic Security conducted a review of the public records exemption in s. 292.055, F.S., as required by the Open Government Sunset Review Act.<sup>29</sup>

In response to questions posed by Senate professional staff, representatives of the FVF reported that as of July 2012:<sup>30</sup>

<sup>25</sup> Additionally, s. 320.08058(73), F.S., entitles the FVF to 20 percent of the annual revenues collected from the sale of the Veterans of Foreign Wars license plate, following its development. The Veterans of Foreign Wars license plate has not yet been developed and FVF representatives anticipate minimal revenues from the sale of the license plate.

<sup>26</sup> Data in Table 1 obtained from FVF Annual Reports and e-mail correspondence with FVF staff.

<sup>27</sup> For FY 2011 and FY 2012, the Florida Department of Highway Safety and Motor Vehicles over-distributed license plate revenue totaling \$29,872 to the FVF. As of Jan 13, 2012, the FVF had returned all of the over distribution. The license plate revenue amounts in the table represent the amount required by s. 320.08058(4), F.S., to be distributed to the FVF, not the actual amount that was erroneously distributed.

<sup>28</sup> Section 292.055(9)(c), F.S.

<sup>29</sup> Section 119.15, F.S.

- No donors who have contributed to the FVF have requested anonymity; and
- The FVF has never received a request for personal information of individuals who have contributed to the FVF.

According to the FVF, although the FVF has not had the opportunity to utilize the public records exemption, the exemption is important to the success of the FVF's fundraising efforts.<sup>31</sup> The FVF recommends the Legislature reenact the public meeting exemption in order to preserve competitiveness with other charitable organizations which have such an exemption.<sup>32</sup>

Representatives of the FVF provided the following circumstances to support reenactment of the exemption:

- The FVF is now fully reliant upon the solicitation of charitable contributions to carry out its mission moving forward due to the recent discontinuation of state license plate revenue allocated to the FVF;<sup>33</sup>
- The FVF plans to enhance donation solicitation practices and find new and creative ways to enhance the public's awareness of the FVF to increase donations;<sup>34</sup> and
- As the FVF continues to become more well-known among the public, the veteran community, and government leaders, expectations of the FVF's abilities to provide quality services to Florida veterans have and will continue to increase.<sup>35</sup>

Based upon the Open Government Sunset Review of the exemption, professional staff of the Committee on Military Affairs, Space, and Domestic Security recommend the Legislature retain the public records exemption established in s. 252.055, F.S. The public records exemption for the identity of donors and potential donors to the FVF allows the FVF to effectively and efficiently secure charitable donations in order to fund the provision of quality services to veterans in Florida. To the extent that donors might be dissuaded from contributing to the FVF in the absence of the public records exemption, the ability of the FVF to raise funds might be limited.

#### **Information from First Amendment Foundation**

The First Amendment Foundation "is not opposed to reenactment of the exemption in its current form."<sup>36</sup>

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

Personal identifying information of donors or potential donors to the direct-support organization of the Florida Department of Veterans' Affairs (FDVA) will remain confidential and exempt from the public records laws.

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<sup>30</sup> Senate Military Affairs, Space, and Domestic Security Committee staff meeting with John Haynes, FVF Chairman, and Jim Brodie, FDVA Legislative Affairs Director. July 19, 2012.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

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

<sup>35</sup> Senate Military Affairs, Space, and Domestic Security Committee staff meeting with John Haynes, FVF Chairman, Barbara Radford, Executive Assistant to Chairman, and Jim Brodie, Legislative Affairs Director, FDVA. August 20, 2012.

<sup>36</sup> Letter from Barbara A. Peterson, President, First Amendment Foundation, to The Honorable Jeremy Ring, Chair, Senate Governmental Oversight and Accountability Committee (July 19, 2012) (RE: 2013 Open Government Sunset Reviews).

**Section 1** amends s. 252.055(9), F.S., to remove its scheduled repeal on October 2, 2013, thereby reenacting the exemption for personal identifying information of donors or prospective donors to the direct-support organization of the FDVA.

**Section 2** provides an effective date of October 1, 2013.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill reenacts and amends an existing public records exemption specified in s. 252.055(9), F.S. The bill does not expand the scope of the exemption and therefore does not require a two-thirds vote of each house of the Legislature for passage.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**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.

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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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**FOR CONSIDERATION By** the Committee on Military Affairs, Space,  
and Domestic Security

583-00415-13

20137002\_\_

1 A bill to be entitled  
2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 292.055, F.S., which  
4 provides an exemption from public records requirements  
5 for all identifying information of a donor or  
6 prospective donor to the direct-support organization  
7 of the Department of Veterans' Affairs, and an  
8 exemption from public meetings requirements for  
9 portions of meetings of the direct-support  
10 organization at which identifying information of a  
11 donor or prospective donor is discussed; saving the  
12 exemptions from repeal under the Open Government  
13 Sunset Review Act; removing the scheduled repeal of  
14 the exemptions; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (9) of section 292.055, Florida  
19 Statutes, is amended to read:

20 292.055 Direct-support organization.—

21 (9) CONFIDENTIALITY OF DONORS.—

22 (a) The identity of a donor or prospective donor to the  
23 direct-support organization who desires to remain anonymous, and  
24 all information identifying such donor or prospective donor, is  
25 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
26 s. 24(a), Art. I of the State Constitution.

27 (b) Portions of meetings of the direct-support organization  
28 during which the identity of a donors or prospective donors is  
29 discussed are exempt from ~~the provisions of~~ s. 286.011 and s.

Page 1 of 2

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

583-00415-13

20137002\_\_

30 24(b), Art. I of the State Constitution.  
31 ~~(c) This subsection is subject to the Open Government~~  
32 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
33 ~~repealed on October 2, 2013, unless reviewed and saved from~~  
34 ~~repeal through reenactment by the Legislature.~~  
35 Section 2. This act shall take effect October 1, 2013.

Page 2 of 2

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



# Florida Defense Support Task Force

Presentation for  
Senate Military Affairs, Space and Domestic  
Security Committee

January 23, 2013



# History

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- Task Force created in 2011 --F.S. 288.987.
- Sunshine exemption – F.S. 288.985
- Replaced the Florida Council on Military Bases and Mission Support.
- 13 Members -- appointed by Governor, Senate and House.
- FY 2011-2012 funding -- \$5 million.
- FY 2012-2013 funding -- \$2 million.

# Members

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- **Chair – Rep. Jimmy Patronis – House**
- **Rep. Matt Gaetz – House**
- **BG Chip Diehl -- House**
- **Dr. Ed Naggiar -- House**
- **Vice Chair – Dr. David Goetsch – Senate**
- **Judge Patt Maney -- Senate**
- **J.R. McDonald -- Senate**
- **Tom Neubauer -- Senate**
- **Lt. Governor Jennifer Carroll – Governor’s Personal Rep.**
- **MG Emmitt Titshaw, Adj. General – Governor**
- **Barbara Stewart -- Governor**
- **RADM Kevin Delaney-- Governor**
- **MG Joseph Taluto -- Governor**

# Mission

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1. To make recommendations to preserve and protect military installations.
2. To support the state's position in research and development related to or arising out of military missions and contracting.
3. To improve the state's military friendly environment for service members, military dependents, military retirees and businesses that bring military and base-related jobs to the state.

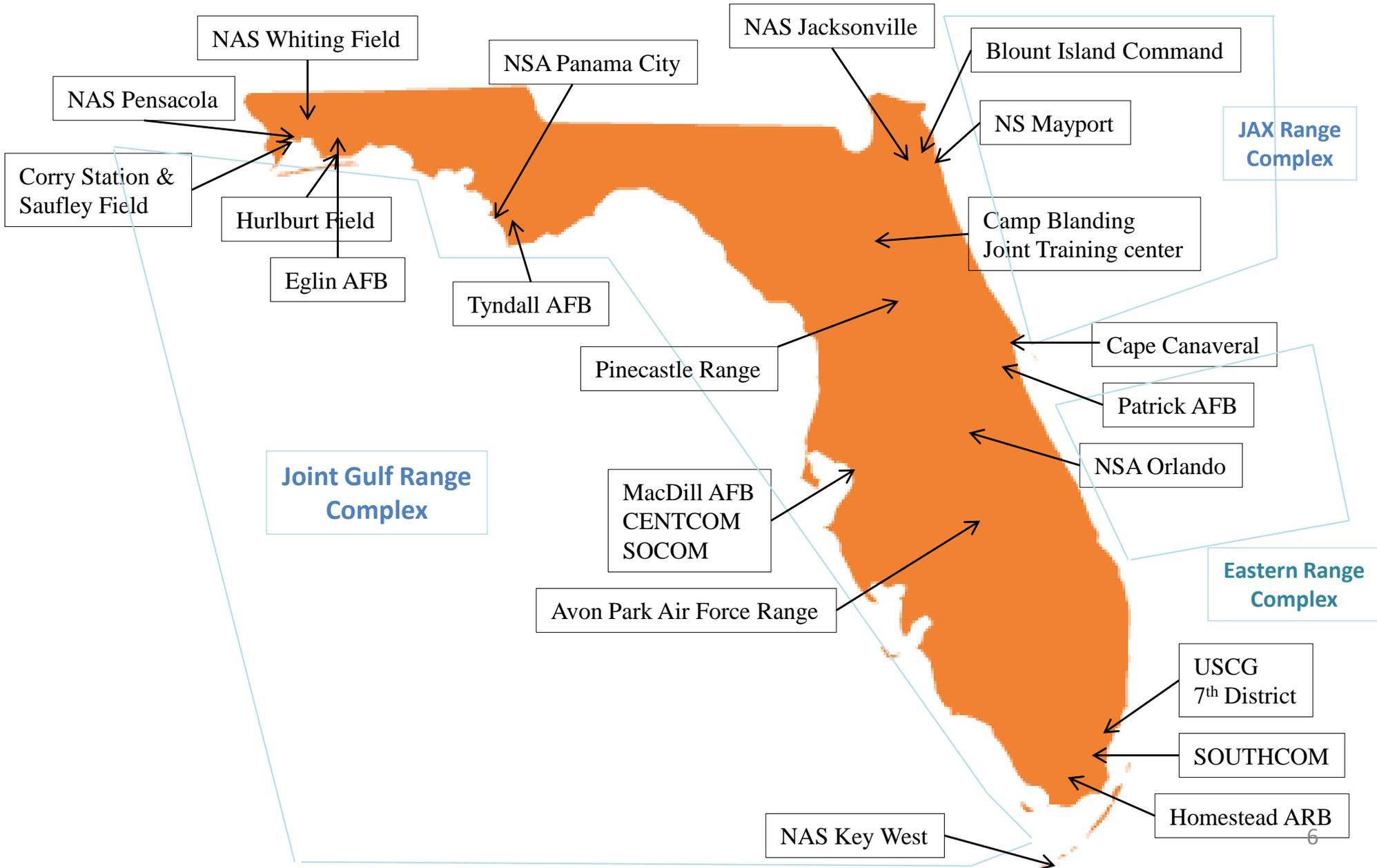
# Vision

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The Florida Defense Support Task Force will be an aggressive and effective advocate to promote, preserve, protect and expand military missions and installations across the state of Florida.

# Florida's Military Installations





*“Keep Florida the  
most military-  
friendly state  
in the nation.”*

# Major Accomplishments

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- Comprehensive assessment of military value of all installations.
- Developed 3-year strategic plan to guide actions.
  - Contracted support of The Principi Group to augment Congressional advocacy efforts at national level.
- Created Task Force web site:  
[www.eflorida.com/floridadefense](http://www.eflorida.com/floridadefense)
- Marketing materials – map and fact book (handouts).
- Community outreach.

# Base Realignment and Closure (BRAC) Update

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- Expect request for BRAC 2015/2017 in President's 2014 budget.
- No way to “BRAC proof” bases, but can enhance military value.
- Strong community support is vital.

# DOD Budget and Sequestration Update

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- Current cuts -- \$487 billion over 10 years.
- Sequestration still possible; additional cuts coming.
- Other federal discretionary programs impacted by sequestration.
- Resolution needed by March 1<sup>st</sup>.

# Possible Legislative Opportunities

---



1. Defense Grant Program funding.
  - \$2.5 M annually for DRG, DIG and MBP.
  - Demand exceeds resources every year.
  
2. Task Force continuation and funding.
  - BRAC announcement will spur continuation.
  - Operating funds for improving military value.

# Possible Legislative Opportunities (cont.)

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## 3. Enhancing military value – best in class.

- Encroachment.
- Energy efficiency initiatives/renewables
- Transportation access improvements.
- Service member / family support initiatives.

## 4. DOD Top Ten Family Issues. (handout)

# Military/Defense Bills Filed To Date

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- SB 240 – Protest Activities
- SB 234 – Voter Registration
- SB 230 Flag Etiquette
- SB 214 – Florida Forever disestablishment

# Military/Defense Bills Filed To Date (cont.)

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- PCB 13-02 – Military Child Education compact renewal and funding
- HB 85 – Public Private Partnerships
- SB 354 – Ad Valorem Tax Exemptions
- HB 115 – Professional licensures for military families

# Immediate Challenges

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- Implement aggressive advocacy based on results of installation assessments at both national and state level. Focus on installation-specific needs. Prepare for possible BRAC.
- Work with Governor, Legislature, Florida Congressional delegation, base commanders and local defense community leaders to improve military value of all installations.

# Legislative Initiatives

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- Provide funding for required enhanced office space for Team Orlando.
- Provide tax credits for modeling and simulation equipment/cyber and UAVs too.
- Provide funding for road improvements facilitating access to bases.
- Establish aviation districts in northwest Florida to improve flight safety.
- Provide tax incentives to utility companies for reduced energy costs for bases.
- Provide incentives for shared services at all military installations.

# Legislative Initiatives (cont.)

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- Provide continued funding for Florida Defense Support Task Force.
- Prevent ad valorem tax on privatized military housing.
- Facilitate licensure and academic credits for military education and training.
- Provide licensure portability and eligibility for unemployment compensation for military spouses.
- Participate in Interstate Compact so as to minimize school disruption for military children.
- Increase access to quality, affordable childcare for military families.

# Questions ?



# Florida Defense Support Task Force

Presentation for  
Senate Military Affairs, Space and Domestic  
Security Committee

January 23, 2013



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

23 JAN 2013

Meeting Date

Topic FLORIDA DEFENSE SUPPORT TASK FORCE Bill Number \_\_\_\_\_  
(if applicable)

Name ROCKY McPHERSON Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title VICE PRESIDENT, DEFENSE & MILITARY PROGRAMS, EFI

Address 1030 E. LAFAYETTE ST SUITE 9 Phone \_\_\_\_\_  
Street

TALLAHASSEE, FL 32301 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing \_\_\_\_\_

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 (10/20/11)

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Military Affairs, Space, & Domestic Security Committee

Judge:

Started: 1/23/2013 4:03:04 PM

Ends: 1/23/2013 5:21:07 PM Length: 01:18:04

- 4:03:06 PM Chairman Altman calls the meeting to order
- 4:03:14 PM Roll call by Administrative Assistant, Lois Graham
- 4:03:29 PM Comments by Chairman Altman and introduction of Senator Brandes
- 4:03:52 PM Tab 1- SB 138 by Senator Brandes
- 4:04:15 PM SB 138 Interstate Compact on Educational Opportunity for Military Children by Senator Brandes
- 4:04:23 PM Glenn Sutphin, Department of Military Affairs waves in support
- 4:04:25 PM Mike Prendergast, FDVA waives in support
- 4:04:40 PM Roll call on SB 138 by Lois Graham
- 4:05:02 PM SB 138 passed favorably
- 4:05:09 PM Introduction of Senator Richter to present SB 160 by Chairman Altman
- 4:05:12 PM Tab 2 - SB 160 by Senator Richter
- 4:05:24 PM SB 160 Licensure Fee Exemptions for Military Veterans
- 4:06:33 PM Glenn Sutphin, Department of Military Affairs waives in support
- 4:06:36 PM Chairman Altman notes that the Department of Health supports Bill 160
- 4:07:37 PM Roll call by Lois Graham on SB 160
- 4:07:52 PM SB 160 passed favorably
- 4:07:57 PM Tab 3 - SPB 7002, Consideration of proposed committee bill presented by Elizabeth Ryon, Staff Director
- 4:09:53 PM Questions by Senator Bullard
- 4:10:43 PM Response from Elizabeth Ryon
- 4:10:59 PM Comments from Chairman Altman
- 4:11:12 PM Comments from Senator Abruzzo
- 4:11:52 PM Comments from Senator Dean
- 4:12:35 PM Chairman Altman comments
- 4:12:45 PM Response from Elizabeth Ryon
- 4:12:58 PM Chairman Altman comments
- 4:13:15 PM Senator Evers motions to move on SPB 7002
- 4:13:29 PM Senator Sachs seconds the motion
- 4:13:38 PM Roll call by Lois Graham on SPB 7002 to be presented as a committee bill
- 4:13:57 PM SPB 7002 submitted as committee bill
- 4:14:09 PM Tab 4 - Presentation by Rocky McPherson, Vice President, Military and Defense Programs, Enterprise Florida Inc.
- 4:15:10 PM Chairman recognizes Representative Petronis
- 4:15:42 PM Continued presentation by Rocky McPherson
- 4:23:01 PM Continued presentation by Rocky McPherson
- 4:31:28 PM Continued presentation by Rocky McPherson
- 4:45:28 PM Continued presentation by Rocky McPherson
- 4:59:07 PM Continued presentation by Rocky McPherson
- 5:03:14 PM Comments from Chairman Altman
- 5:03:18 PM Chairman Altman introduces Jim Kouzman
- 5:03:39 PM Questions from Chairman Altman

**5:04:15 PM** Response from Rocky McPherson  
**5:04:57 PM** Questions by Senator Bullard  
**5:06:01 PM** Response from Rocky McPherson  
**5:07:31 PM** Follow up question from Senator Bullard  
**5:09:06 PM** Response from Rocky McPherson  
**5:10:57 PM** Chairman Altman comments  
**5:11:08 PM** Senator Gibson questions  
**5:12:27 PM** Response from Rocky McPherson  
**5:14:45 PM** Continued questions from Senator Gibson  
**5:15:12 PM** Response from Rocky McPherson  
**5:15:44 PM** Follow up from Senator Gibson  
**5:16:09 PM** Response from Mr. McPherson  
**5:16:19 PM** Chairman Altman's response  
**5:16:46 PM** Follow up from Senator Gibson  
**5:17:07 PM** Response from Mr. McPherson  
**5:17:16 PM** Follow up from Senator Gibson  
**5:17:48 PM** Response from Mr. McPherson  
**5:19:29 PM** Chairman Altman comments  
**5:20:05 PM** Open up the floor for public comment  
**5:20:29 PM** Chairman Altman question  
**5:20:51 PM** Senator Bullard moves to rise