

**SB 260** by **Latvala (CO-INTRODUCERS) Dean;** (Identical to H 0539) Resident Status for Tuition Purposes

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**SB 118** by **Benacquisto;** (Identical to H 0185) Funerals, Burials, and Memorial Services

**SB 390** by **Dean;** Veterans' Organizations

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

**MEETING DATE:** Wednesday, February 6, 2013  
**TIME:** 10:30 a.m.—12:30 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 260</b> Latvala (Identical H 539)	Resident Status for Tuition Purposes; Providing criteria for veterans of the Armed Services of the United States, including reserve components thereof, to qualify as residents for tuition purposes, etc.  MS 02/06/2013 Favorable ED AED AP	Favorable Yeas 7 Nays 0
2	<b>SB 118</b> Benacquisto (Similar H 15, S 240, Identical H 185)	Funerals, Burials, and Memorial Services; Prohibiting picketing or engaging in other protest activities within a specified distance of the property line of the location of a funeral, burial, or memorial service for certain persons; providing criminal penalties, etc.  RI 01/24/2013 Favorable MS 02/06/2013 Favorable CJ	Favorable Yeas 7 Nays 0
3	<b>SB 390</b> Dean	Veterans' Organizations; Prohibiting a business entity from holding itself out as a veterans' organization under certain circumstances; providing for criminal penalties; authorizing an affected party to bring a civil action in a court of competent jurisdiction against the offending business entity; authorizing the court to impose a civil penalty of up to \$500 and payment of court costs and reasonable attorney fees, etc.  MS 02/06/2013 Fav/CS CJ JU RC	Fav/CS Yeas 7 Nays 0
4	Presentation from staff on the implementation of HB 347 (2012) relating to college credit for military training		Presented
5	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.)

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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 260

INTRODUCER: Senators Latvala and Dean

SUBJECT: Resident Status for Tuition Purposes

DATE: February 5, 2013      REVISED: \_\_\_\_\_

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

**I. Summary:**

Senate Bill 260 allows a veteran of the U.S. Armed Services who physically attends a public college, university or institution of higher learning in Florida, to be automatically classified as a resident of the state for tuition purposes. This bill essentially waives the current one year requirement for veterans to establish residency in the state before they can qualify for in-state tuition rates.

The bill substantially amends section 1009.21 of the Florida Statutes.

**II. Present Situation:**

**Florida Law on Resident for Tuition Purposes Status**

Florida law classifies postsecondary students as residents or nonresidents to determine the applicable tuition rate at higher education institutions within the Florida College System and the State University System of Florida (SUS). A “resident for tuition purposes” is a student who qualifies for in-state tuition.<sup>1</sup>

A student who is not a dependent qualifies for in-state tuition if the following requirements are met:

- The student must have established and maintained in-state legal residence for a minimum of 12 consecutive months immediately prior to the student’s initial enrollment; and
- The student must make a statement that residency was established to maintain a bona fide domicile rather than to set up a temporary residence just to qualify for in-state tuition to establish in-state status, non-dependent applicants must produce at least two documents evidencing residency, including at least one of the following:

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<sup>1</sup> s. 1009.21(1)(g), F.S.

- A voter's registration card;
- A driver's license;
- An identification card;
- A vehicle registration;
- Proof of a permanent home occupied as a primary residence by the student;
- Proof of homestead exemption;
- High school transcripts if the diploma or GED is from the last 12 months; or
- Proof of permanent full-time employment for a duration of 12 months.<sup>2</sup>

To show in-state residency, the applicant may produce:

- A declaration of domicile;
- A state professional or occupational license;
- State incorporation;
- A document evidencing family ties in the state;
- Evidence of membership in state-based charity or professional organization;
- Other documentation that evidences residency, such as energy bills or a lease agreement with demonstrated 12-month payments; or
- An official state, federal, or court document showing legal ties to the state.<sup>3</sup>

Section 1009.21(10) F.S., provides eleven categories in which individuals who meet certain criteria are automatically considered residents of the state for tuition purposes and are exempt from the 12-month residency requirement. As it relates to service in the U.S. Armed Services, persons who qualify as the following are considered residents for tuition purposes in Florida:

- active duty members of the U.S. Armed Services residing or stationed in Florida and their spouses and dependent children, and active drilling members of the Florida National Guard; and
- active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida.

Currently, veterans of the U.S. Armed Services are not eligible to obtain resident status for tuition purposes based on their status as a veteran. Veterans qualify as residents for tuition purposes through the standard document review process outlined in s. 1009.21, F.S.

### **Veterans in Florida**

Section 1.01(14), F.S., defines the term veteran as:

“a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.”

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<sup>2</sup> s. 1009.21(2)(c)1., F.S.

<sup>3</sup> s. 1009.21(2)(c)2., F.S.

Florida is tied with Texas for the second largest population of veterans in the nation at 1.6 million. Only California has a larger population of veterans at 2 million.<sup>4</sup>

### **GI Bill Education Programs**

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans pursuing a post-secondary degree. The USDVA currently administers the following five separate GI Bill programs.<sup>5</sup>

#### Veterans Educational Assistance Program

The Veterans Educational Assistance Program (VEAP)<sup>6</sup> is for military veterans who entered service for the first time between January 1, 1977 and June 30, 1985. Although there are still some veterans who use this program, it ended for new enrollees June 30, 1985. While this program existed, the government matched the veteran's contributions on a \$2 for \$1 basis.<sup>7</sup>

#### Reserve Education Assistance Program

The Reserve Education Assistance Program (REAP)<sup>8</sup> is designed for National Guard members and reservists called or ordered to active duty in response to a war, a national emergency or contingency operation as declared by the President or Congress.<sup>9</sup>

#### Vocational Rehabilitation and Employment VetSuccess Program

The Vocational Rehabilitation and Employment (VR&E) VetSuccess program<sup>10</sup> offers disabled veterans various services including financial assistance for post-secondary training at a college, vocational, technical or business school.<sup>11</sup>

#### Montgomery GI Bill

The Montgomery GI Bill (MGIB) is available under Chapter 30, Title 38 of the U.S. Code.<sup>12</sup> Active duty members make an initial contribution and are subsequently entitled to receive a monthly education benefit once they have completed a minimum service obligation. Under this law, National Guard members, and reservists can be eligible.<sup>13</sup>

#### Post-9/11 GI Bill

The Post-9/11 GI Bill is the most recent version of the GI Bill and provides qualified veterans<sup>14</sup>

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<sup>4</sup> United States Census Bureau. A Snapshot of Our Nation's Veterans. Available at:

<http://www.census.gov/how/infographics/veterans.html>. (last viewed February 4, 2013).

<sup>5</sup> U.S. Department of Veteran Affairs. *Welcome to the GI Bill Web Site*, <http://gibill.va.gov/>, (last viewed February 1, 2013).

<sup>6</sup> 38 U.S.C., Chapter 32, § 3201

<sup>7</sup> *Id.*

<sup>8</sup> 38 U.S.C., Chapter 30, § 3012

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

<sup>10</sup> 38 U.S.C., Chapter 31, § 3100

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

<sup>12</sup> 38 U.S.C., Chapter 30, § 3001

<sup>13</sup> *Id.*

<sup>14</sup> To qualify for the Post-9/11 GI Bill benefit, an individual must have served an aggregate 90 days of active duty service after September 10, 2001, or must have been honorably discharged with a service-connected disability after 30 days of continuous service. The period of eligibility ends 15 years from the date of the last discharge or release from active duty service.

with the cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public institution in the state in which the veteran is attending school.<sup>15</sup> Currently in Florida, a veteran who is not classified as a resident for tuition purposes and wishes to apply the Post-9/11 GI Bill benefits towards a degree program at a public higher education institution in Florida, will be billed as a non-resident student. Since the Post-9/11 GI Bill only covers the highest in-state undergraduate tuition, the veteran would be responsible for the costs that exceed the in-state tuition amount.<sup>16</sup>

The Yellow Ribbon G.I. Education Enhancement Program (YRP) is designed to help students avoid some or all of the out-of-pocket tuition and fee expenses associated with education programs that may exceed the Post-9/11 GI Bill tuition benefit. The YRP is not automatic; it allows institutions of higher learning in the U.S. to voluntarily enter into an agreement with the USDVA to fund tuition expenses that exceed these amounts for veterans who attend a private school or a public school as a nonresident student. Participating schools and the USDVA can match funds to help waive a portion of those expenses.<sup>17</sup>

**Post-9/11 GI Bill Benefit Tiers**

Post-9/11 GI Bill payments are based on the amount of creditable active-duty service each veteran has since September 10, 2001. This benefit applies to current and former active-duty service members and current and former National Guard members and reservists who have served on active-duty for 90 days or more since September 10, 2001. The table below illustrates a veteran’s benefit level based on a veteran’s active duty service.

<b>POST-9/11 GI BILL BENEFIT TIERS<sup>18</sup></b>	
<b>Post-9/11 Service</b>	<b>Percentage of Maximum Amount Payable</b>
At least 36 cumulative months	100%
At least 30 continuous days on active duty and discharged due to service-connected disability	100%
At least 30 cumulative months	90%
At least 24 cumulative months	80%
At least 18 cumulative months	70%
At least 12 cumulative months	60%
At least 6 cumulative months	50%
90 aggregate days	40%

**III. Effect of Proposed Changes:**

This bill amends s. 1009.21, F.S., to allow a veteran of the U.S. Armed Services that physically attends a Florida institution of higher learning, or resides in Florida while enrolled in an online

<sup>15</sup> The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies.

<sup>16</sup> The Post-9/11 GI Bill can also be applied to vocational/technical training, on-the-job training, flight training, correspondence training, licensing and national testing programs, and tutorial assistance.

<sup>17</sup> 38 U.S.C., Chapter 33, § 3317

<sup>18</sup> U.S. Department of Veteran Affairs, Post-9/11 GI Bill Pamphlet, [http://gibill.va.gov/documents/pamphlets/ch33\\_pamphlet.pdf](http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf), (last viewed February 1, 2013).

course offered by an institution of higher learning, to be automatically classified as a resident of the state for tuition purposes.

#### **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:

Veterans who do not meet the standard Florida residency requirements for tuition purposes would pay less in tuition with the immediate entitlement to in-state tuition rates.

For the 2012-13 academic year, the average State University System undergraduate cost for tuition and fees for two semesters is \$6,069 for residents and \$20,590 for non-residents. At the graduate level, the average cost for two semesters is \$10,118 for residents and \$24,910 for non-residents.<sup>19</sup> For the same period, the Florida College System reports the average cost for two semesters is \$3,090 for residents enrolled in non-baccalaureate degree programs and \$11,455 for non-residents. For residents enrolled in the baccalaureate degree programs the cost for two semesters is \$3,541, and \$15,741 non-residents.<sup>20</sup>

C. Government Sector Impact:

The total estimated annual unrealized tuition revenue for the State University System as a result of this bill, using 2011-12 enrollment information, is 8,127,334.<sup>21</sup> The Florida College System acknowledges that Florida colleges would experience a potential funding loss due to the reclassification of non-resident student veterans to resident status, but lacked the data needed to provide an estimate of the fiscal impact.

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<sup>19</sup> State University System of Florida, 2013 Legislative Bill Analysis of SB 260.

<sup>20</sup> E-mail correspondence with Florida College System staff. January 31, 2013.

<sup>21</sup> State University System of Florida, 2013 Legislative Bill Analysis of SB 260.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information**

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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808386

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2013	.	
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	.	

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

**Senate Amendment**

Delete lines 25 - 30  
and insert:  
including reserve components thereof, who were serving on or after September 11, 2001, and who physically reside in this state while enrolled in any course offered by an institution of higher learning within this state.

By Senator Latvala

20-00350A-13

2013260\_\_

1 A bill to be entitled  
 2 An act relating to resident status for tuition  
 3 purposes; amending s. 1009.21, F.S.; providing  
 4 criteria for veterans of the Armed Services of the  
 5 United States, including reserve components thereof,  
 6 to qualify as residents for tuition purposes;  
 7 providing an effective date.

8  
 9 Be It Enacted by the Legislature of the State of Florida:

10  
 11 Section 1. Present paragraphs (c) through (k) of subsection  
 12 (10) of section 1009.21, Florida Statutes, are redesignated as  
 13 paragraphs (d) through (l), respectively, and a new paragraph  
 14 (c) is added to that subsection, to read:

15 1009.21 Determination of resident status for tuition  
 16 purposes.—Students shall be classified as residents or  
 17 nonresidents for the purpose of assessing tuition in  
 18 postsecondary educational programs offered by charter technical  
 19 career centers or career centers operated by school districts,  
 20 in Florida College System institutions, and in state  
 21 universities.

22 (10) The following persons shall be classified as residents  
 23 for tuition purposes:

24 (c) Veterans of the Armed Services of the United States,  
 25 including reserve components thereof, who:

26 1. Attend the physical location of an institution of higher  
 27 learning within this state; or

28 2. Physically reside in this state while enrolled in an  
 29 online course offered by an institution of higher learning

Page 1 of 2

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

20-00350A-13

2013260\_\_

30 within this state.

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

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2-6-13

Meeting Date

Topic Resident Status for tuition purposes

Bill Number SB 260  
*(if applicable)*

Name Rep. Kathleen Mick Peters

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

Job Title Representative

Address 1700-66<sup>th</sup> St North Suite 203

Phone 727-656-3821

Street

St Petersburg 33710

City

State

Zip

E-mail Kathleenpeters6@me.com

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)

2/6

Meeting Date

Topic Veteran In state tuition

Bill Number 260  
*(if applicable)*

Name EJ Cox

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

Job Title Deputy Director office of Gov. Affairs FSU SBA

Address 300 Wasin Dr

Phone 561-373-7769

Tallahassee FL 32304  
City State Zip

E-mail EJCoxD@my.fsu.edu

Speaking:  For  Against  Information

Representing Florida State University Student Government Association

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  
**APPEARANCE RECORD**

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

2-6-13

Meeting Date

Topic Resident Status for Tuition Purposes

Bill Number SB 260

(if applicable)

Name Edward Woodruff

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Government Relations Director

Address 13805 - 58<sup>th</sup> St. North

Phone 727-638-3577

Street

Largo

City

FL

State

33733

Zip

E-mail Woodruff,edward@spcollege.edu

Speaking:  For  Against  Information Waive in Support

Representing St. Petersburg College

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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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

2-6-2013 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)  
Meeting Date

Topic IN STATE TUITION FOR VETERANS Bill Number SB 260  
(if applicable)

Name JARED FERREIRA Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title PRESIDENT

Address 4387 2ND ISLE DR Phone 352-398-9670  
Street

HERNAND BEACH FL 34607 E-mail PRESIDENT@FCSSGA.ORG  
City State Zip

Speaking:  For  Against  Information

Representing FLORIDA COLLEGE SYSTEM STUDENT GOVERNMENT ASSOCIATION

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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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)

2 / 6 / 2013

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 260

*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG      FLORIDA      33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

Speaking:     For     Against     Information

Representing JUSTICE-2-JESUS

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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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)

2-6-13

Meeting Date

Topic Residency For Taxation Purposes Bill Number SB 260  
(if applicable)

Name MIKE PRENDERGAST Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title EXEC. DIRECTOR FL. DEPT. OF VETERANS' AFFAIRS

Address 2105 CAPITAL Phone 407-1533  
Street

TLH \_\_\_\_\_  
City State Zip

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

Speaking:  For  Against  Information

Representing FL DEPT VETERANS AFFAIRS

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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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)

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

Topic \_\_\_\_\_ Bill Number 260  
*(if applicable)*

Name Glenn W. STEPHEN JR Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title CHIEF OF LEGISLATIVE AFFAIRS

Address Rm # 908 THE CAPITOL 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**  
**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 118

INTRODUCER: Senator Benacquisto

SUBJECT: Funerals, Burials, and Memorial Services

DATE: February 4, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<b>Favorable</b>
2.	<u>Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<b>Favorable</b>
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

The bill provides that it is a misdemeanor of the first degree<sup>1</sup> to knowingly picket or engage in a protest to disrupt or intend to disrupt or disturb a funeral, burial, or memorial service for any military service member, emergency response worker, elected official, or minor. The prohibited protest activities may not occur:

- Within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location, and
- During or within 1 hour before or 1 hour after the conducting of a funeral, burial, or memorial service at that place.

A first degree misdemeanor is punishable by a term of imprisonment not exceeding one year and a fine not to exceed \$1,000.

The bill defines “protest activities” to mean “any actions that are disruptive or undertaken to disrupt a funeral, burial, or memorial service.”

This bill creates section 871.015, of the Florida Statutes.

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<sup>1</sup> Section 775.082, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a term of imprisonment not exceeding one year. Section 775.083, F.S., provides that the penalty for a misdemeanor of the first degree is punishable by a fine not to exceed \$1,000.

## II. Present Situation:

### Demonstrations at Funerals

Rev. Fred Phelps, a minister from Topeka, Kansas, has been picketing military funerals and the funerals of AIDS victims across America.<sup>2</sup> He and family members of his congregation now often appear at military funerals with signs stating “God Hates You,” and “Thank God for Dead Soldiers.”<sup>3</sup> The Phelps family’s premise for its protests is that the American war casualties are divine punishment for the country tolerating homosexuality.<sup>4</sup> This same group threatened to picket the funerals of the 26 people, including 20 children, who were killed by a gunman at a Newtown, Connecticut elementary school on December 14, 2012.<sup>5</sup>

### Florida Law Prohibiting Disturbances at Assemblies

Section 870.01, F.S., provides a first degree misdemeanor<sup>6</sup> for a person to commit an affray. This section also provides a third degree felony<sup>7</sup> for rioting, or inciting or encouraging a riot. Although the terms “affray” and “riot” are not defined, the courts have upheld the statute against vagueness challenges.<sup>8</sup>

Section 871.01(1), F.S., provides a misdemeanor of the second degree for willfully interrupting or disturbing any school or any assembly of people met for the worship of God or for any lawful purpose.<sup>9</sup> This provision was challenged on appeal as being overly broad and therefore void. The Florida Supreme Court upheld the constitutionality of this provision in 1978, holding that the provision was not unconstitutional or overbroad.<sup>10</sup> The Second District Court of Appeals has also upheld s.871.01(1), F.S., as not unconstitutionally overbroad or vague.<sup>11</sup>

Section 871.01(2), F.S., provides a first degree misdemeanor<sup>12</sup> penalty for anyone who willfully interrupts or disturbs an assembly of people who have met for the purpose of acknowledging the death of an individual with a military funeral honors detail pursuant to 10 U.S.C. s. 1491.

### Federal Law Prohibiting Disturbances at Military Funerals

Federal law prohibits persons to engage in a disruptive activity during the period beginning 60 minutes before and ending 60 minutes after a funeral for a member or former member of the

<sup>2</sup> “Targeting Protests at Military Funerals” *Capitol Hill Blue* (March 15, 2006).

<sup>3</sup> “Military Funeral Protests Outrage Families, Lawmakers” *ABC News* (March 15, 2006).

<sup>4</sup> “Constitutionality of Protest Ban At Issue” *Tallahassee Democrat* (April 7, 2006).

<sup>5</sup> “Phelps’ Son Condemns Plan to Picket Newtown Funerals,” *The Washington Post* (December 17, 2012).

<sup>6</sup> *Supra* n. 1.

<sup>7</sup> Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not exceeding five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not exceeding \$5,000.

<sup>8</sup> *See D.L.B. v. State*, 707 So.2d 844, 845 (Fla. 2d DCA 1998) (statute sufficiently defines “affray,” given that “readily available dictionaries define “affray” as a public fight or brawl”); *State v. Beasley*, 317 So.2d 750, 753 (Fla. 1975) (upholding s. 870.01(2), F.S. as constitutional upon the court’s authoritative, limiting construction).

<sup>9</sup> Section 775.082, F.S., provides that the penalty for a misdemeanor of the second degree is punishable by a term of imprisonment not exceeding 60 days. Section 775.083, F.S. provides that the penalty for a misdemeanor of the second degree is punishable by a fine not to exceed \$500.

<sup>10</sup> *S.H.B. v. State*, 355 So. 2d 1176 (Fla. 1978).

<sup>11</sup> *State v. Sweet*, 616 So.2d 114 (Fla. 2nd DCA 1993).

<sup>12</sup> *Supra* n. 1.

Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery.<sup>13</sup>

The following activity is prohibited within the boundaries of the funeral's location or within 150 feet of the point of the intersection between the boundary of the location of such funeral, and a road, pathway, or other route of ingress to or egress from the location of such funeral:

Willfully making of any noise or diversion that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral with the intent of disturbing the peace or good order of that funeral.<sup>14</sup>

Within 300 feet of the boundary of the funeral's location, it is prohibited to willfully and without proper authorization impede "the access to or egress from such location with the intent to impede the access to or egress from such location."<sup>15</sup>

Persons who violate this prohibition may be subject to a fine or imprisonment of not more than one year, or both.<sup>16</sup>

### ***Snyder v. Phelps***

In *Snyder v. Phelps*,<sup>17</sup> the U.S. Supreme Court addressed the First Amendment's relation to funeral protests. In March 2006, Westboro Baptist Church demonstrated near the funeral of Marine Lance Cpl. Matthew Snyder, who had been killed in Iraq. The demonstration included the display of signs reading "Thank God for Dead Soldiers," took place within 200-300 feet of the funeral procession, and concluded before the funeral began. Cpl. Snyder's father subsequently sued Phelps under state tort law, including a claim for intentional infliction of emotional distress. The jury found in favor of Snyder and awarded damages.

On appeal, the U.S. Supreme Court found that the First Amendment protected Phelps' speech because the speech took place in a public forum and the content was a matter of public concern. The Supreme Court also noted that, even though the speech in this case was protected, even protected speech "may be subject to reasonable time, place, or manner restrictions that are consistent with the standards announced in this Court's precedents."<sup>18</sup>

The *Snyder* case did not involve the constitutionality of a state statute regulating picketing. Rather, the Court addressed whether the First Amendment was a defense to a state tort claim for intentional emotional distress, which is a separate issue.

### **Military Funeral Honors for Veterans**

Under federal law, the Secretary of Defense is directed to provide special military funeral honors

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<sup>13</sup> 18 U.S.C. s. 1388

<sup>14</sup> 18 U.S.C. s. 1388(a)(1)

<sup>15</sup> 18 U.S.C. s. 1388(a)(2)

<sup>16</sup> 18 U.S.C. s. 1388(b)

<sup>17</sup> *Snyder v. Phelps*, 131 S.Ct. 1207(2011).

<sup>18</sup> *Id.* at 1218.

for any deceased veteran<sup>19</sup> when so requested by the veteran's family. The funeral honors detail must consist of at least two uniformed members of the armed forces, one of whom must be a member of the armed force of which the veteran was a member. At a minimum the detail shall perform the folding of the United States flag and its presentation to the family as well as the playing of Taps.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill creates s. 871.015, F.S, to prohibit a person to knowingly picket or engage in other protests at a funeral, burial, or memorial service for any military service member, emergency response worker, elected official, or minor. The prohibited protest activities may not occur:

- Within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location, and
- During or within 1 hour before or 1 hour after the conducting of a funeral, burial, or memorial service at that place.

The bill defines "protest activities" to mean "any actions that are disruptive or undertaken to disrupt a funeral, burial, or memorial service."

A person who violates this section commits a misdemeanor of the first degree.

The prohibition created in s. 871.015, F.S., differs in several respects from the prohibitions in s. 871.01(2), F.S., and in 18 U.S.C. s. 1388. To violate s. 871.01(2), F.S., a person must interrupt or disturb a military funeral honors detail pursuant to 10 U.S.C. s. 1491. This bill encompasses assemblies to honor military service members but does not require that the funeral must be a military funeral honors detail. The bill also relates to funerals, burial, memorial services for persons whose funerals do not fall within the scope of s. 871.01(2), F.S., to include an emergency response worker, elected official, and minor.

The term "emergency response worker" is not defined. It is not clear whether the term is limited to firefighters and paramedics, or whether the term also includes law enforcement officers or other public safety workers.<sup>21</sup>

However, it appears that the facts or circumstances that would constitute a violation of s. 871.01(2), F.S., may also constitute a violation of the prohibition in this bill if the distance and time requirements in s. 871.015, F.S., are also met. Either violation would be a first degree misdemeanor.

<sup>19</sup> A veteran is defined in Title 10 U.S.C. s. 1491(h) as a decedent who (1) served in the active military, naval, or air service, as defined in 38 U.S.C. s. 101(24), and who was discharged or released there from under conditions other than dishonorable; or (2) was a member or former member of the Selected Reserve described in 18 U.S.C. s. 2301(f).

<sup>20</sup> 10 U.S.C. s. 1491(b), (c).

<sup>21</sup> For example, s. 112.181(1) (b), F.S., defines the term: "emergency rescue or public safety worker" to mean "any person employed full time by the state or any political subdivision of the state as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety worker" does not include any person employed by a public hospital licensed under chapter 395 or any person employed by a subsidiary thereof."

Similar conduct may also violate both s. 871.015, F.S., and 18 U.S.C. s. 1388. For example, the distance restriction in 18 U.S.C. s. 1388 is 300 feet from the location of the assembly. Such a distance would fall well within the 500 feet restriction in the bill.

#### IV. Constitutional Issues:

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

None.

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

None.

##### C. Trust Funds Restrictions:

None.

##### D. Other Constitutional Issues:

It is a fundamental constitutional principle that debate, particularly on issues of public concern, should not be inhibited by the government.<sup>22</sup> Therefore, the most important question regarding the First Amendment issues of the bill is *whether the government is prohibiting speech based on disfavored content*.<sup>23</sup> Such “content-based” regulations are presumptively suspect and are subject to strict scrutiny by the court.<sup>24</sup>

On the other hand, the government *may* restrict speech through time, place, and manner regulations that are *justified without reference to the content of the speech*.<sup>25</sup> The Eighth Circuit Court of Appeals has found both a city ordinance<sup>26</sup> and a state statute<sup>27</sup> prohibiting protest activities within a certain time and distance of a funeral to be content-neutral.

Content-neutral restrictions are subject to intermediate scrutiny by the court.<sup>28</sup> Under intermediate scrutiny, the court looks at the relationship, or “fit” between the *end* and the *means* of the statute. In other words, the restrictions of the statute must be *narrowly tailored* to achieve a *significant state interest*.<sup>29</sup> Additionally, the statute must leave open “ample alternative channels” for the restricted speech.<sup>30</sup>

---

<sup>22</sup> *Snyder*, 131 S.Ct. at 1215 (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)).

<sup>23</sup> *See Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989).

<sup>24</sup> *See Turner Broad. Sys., Inc. v. F.C.C.*, 512 U.S. 622, 658 (1994).

<sup>25</sup> *See Ward*, 491 U.S. at 791 (emphasis added; internal quotations omitted); *Snyder*, 131 S.Ct. at 1218.

<sup>26</sup> *Phelps-Roper v. City of Manchester, Mo.*, 697 F.3d 678 (8th Cir. 2012).

<sup>27</sup> *Phelps-Roper v. Nixon*, 545 F.3d 685, 691 (8th Cir. 2008).

<sup>28</sup> *See Turner*, 512 U.S. at 642.

<sup>29</sup> *Ward*, 491 U.S. at 791.

<sup>30</sup> *Id.*

- A significant *state interest* is grounded in the state’s traditionally broad police powers.<sup>31</sup> Courts have found a state has a significant interest in protecting its citizens from disruption during events associated with a funeral or burial service,<sup>32</sup> and in public safety concerns resulting from disruptions of the public order.<sup>33</sup> Additionally, citizens have a recognized interest in avoiding unwanted speech, including in confrontational settings.<sup>34</sup>
- A statute is *narrowly tailored* to a significant state interest if it does not burden substantially more speech than necessary to achieve the state’s goal.<sup>35</sup> To be narrowly tailored in this context, the statute does *not* have to be the least restrictive means available.<sup>36</sup>
- In the context of a statute regulating picketing in residential areas, the U.S. Supreme Court found there were *ample alternative channels* when: “Protestors have not been barred from the residential neighborhoods. They may enter such neighborhoods, alone or in groups, even marching.... They may go door-to-door to proselytize their views. They may distribute literature in this manner ... or through the mails. They may contact residents by telephone, short of harassment.”<sup>37</sup>

The bill limits the definition of “protest activities” as actions “undertaken with the intent to interrupt or disturb a funeral, burial, or memorial service.” The Sixth Circuit U.S. Court of Appeals found a statute was narrowly tailored that described protest activities as “any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.”<sup>38</sup> The court noted that the language limited “protest activities” to those *directed* at a particular funeral.<sup>39</sup> Furthermore, the Eighth Circuit U.S. Court of Appeals found that a statute that did *not* contain such language was likely *not* narrowly tailored for injunction purposes.<sup>40</sup>

Regarding the distance restrictions in the bill, in 2007, the U.S. District Court for the Northern District of Ohio held an Ohio statute’s 300 feet “fixed” restriction surrounding funeral locations constitutional, but held the “floating buffer zone” surrounding funeral *processions* unconstitutional because it was not narrowly tailored.<sup>41</sup> That holding

<sup>31</sup> See *Hill v. Colorado*, 530 U.S. 703, 715 (2000).

<sup>32</sup> *Phelps-Roper v. Taft*, 523 F.Supp.2d 612, 618 (N.D. Ohio 2007) aff’d in part sub nom. *Phelps-Roper v. Strickland*, 539 F.3d 356 (6th Cir. 2008).

<sup>33</sup> *Christian Knights of Ku Klux Klan Invisible Empire, Inc. v. Dist. of Columbia*, 972 F.2d 365, 372 (D.C. Cir. 1992) (citing *Mosley*, 408 U.S. at 98).

<sup>34</sup> *Hill* at 716-17.

<sup>35</sup> See *Turner*, 512 U.S. at 662.

<sup>36</sup> *Id.* See also *Hill*, 530 U.S. at 726.

<sup>37</sup> *Frisby v. Schultz*, 487 U.S. 474, 484 (1988).

<sup>38</sup> *Phelps-Roper v. Strickland*, 539 F.3d 356, 368 (6th Cir. 2008).

<sup>39</sup> *Id.* (citing *Frisby v. Schultz*, 487 U.S. 474 (1988)).

<sup>40</sup> *Phelps-Roper v. Nixon*, 545 F.3d 685, 693 (finding statute likely not narrowly tailored “[b]ecause the Missouri statute does not contain any such [narrowing] provisions”).

<sup>41</sup> *Phelps-Roper v. Taft*, 523 F.Supp.2d at 620 (N.D. Ohio 2007) (“statute not narrowly tailored, in that it burdens substantially more speech than necessary to serve the State of Ohio’s interest protecting its citizens from disruption during the events associated with a funeral or burial service”).

conforms to a prior Supreme Court case addressing buffer zones.<sup>42</sup> Additionally, courts have found the *size* of the restricted area itself to be context-specific.<sup>43</sup>

Regarding the bill’s prohibitions against protest activities, the First Amendment affords the highest protection to speech based on matters of public concern or “political speech.”<sup>44</sup> However, citizens also have a recognized interest not to be forced to hear unwanted speech.<sup>45</sup> Protecting citizens from hearing unwanted speech is referred to as the “captive audience” doctrine.<sup>46</sup> To illustrate the point, there is a difference between someone holding a sign displaying an offensive message, where the burden falls on offended viewers to “avoid further bombardment of their sensibilities simply by averting their eyes,”<sup>47</sup> and forcing citizens to “undertake Herculean efforts to escape the cacophony of political protests.”<sup>48</sup> The Supreme Court has held that in some cases, funeral attendees are not a “captive audience” to protest speech.<sup>49</sup> In other cases, courts have held that forcing a funeral attendee to choose between attending a funeral and hearing the unwanted protest communication effectively makes the attendees a “captive audience.”<sup>50</sup> The Supreme Court noted in *Snyder v. Phelps* that the captive audience doctrine has been applied “only sparingly.”<sup>51</sup>

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

None.

## VI. Technical Deficiencies:

None.

<sup>42</sup> See *Schenck v. Pro-Choice Network of W. New York*, 519 U.S. 357, 377 (1997) (finding that injunction imposing floating buffer zones of 15 feet from people and vehicles entering and leaving clinics were not narrowly tailored).

<sup>43</sup> See *Madsen*, 512 U.S. at 772; *Strickland*, 539 F.3d at 368.

<sup>44</sup> See *Snyder*, 131 S.Ct. at 1215.

<sup>45</sup> See *Hill*, 530 U.S. at 716-17.

<sup>46</sup> *Snyder*, 131 S.Ct. at 1220.

<sup>47</sup> *Hill* at 716 (internal quotations omitted).

<sup>48</sup> *Id.* (quoting *Madsen*, 512 U.S. at 772-73).

<sup>49</sup> *Snyder*, 131 S.Ct. at 1220 (finding mourner was not a captive audience to protest speech when protestors stayed 1,000 feet away from the funeral location, mourner could only see the tops of the signs when driving to the funeral, and there was no indication that the picketing in any way interfered with the funeral service itself.”).

<sup>50</sup> See *Phelps-Roper v. Strickland*, at 362; *McQueary v. Stumbo*, 453 F.Supp.2d 975, 992 (E.D. Ky. 2006). *But compare Phelps-Roper v. Nixon*, 545 F.3d 685 (8th Cir. 2008).

<sup>51</sup> *Snyder*, 131 S.Ct. at 1220.

**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 Benacquisto

30-00168-13

2013118\_\_

1 A bill to be entitled  
 2 An act relating to funerals, burials, and memorial  
 3 services; creating s. 871.015, F.S.; providing a  
 4 definition; prohibiting picketing or engaging in other  
 5 protest activities within a specified distance of the  
 6 property line of the location of a funeral, burial, or  
 7 memorial service for certain persons; providing  
 8 criminal penalties; providing an effective date.

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

11  
 12 Section 1. Section 871.015, Florida Statutes, is created to  
 13 read:

14 871.015 Unlawful protests.-

15 (1) As used in this section, the term "other protest  
 16 activities" means any action that is disruptive or that is  
 17 undertaken to disrupt or disturb a funeral, burial, or memorial  
 18 service.

19 (2) A person may not knowingly picket or engage in other  
 20 protest activities or knowingly cause picketing or other protest  
 21 activities to occur within 500 feet of the property line of a  
 22 residence, cemetery, funeral home, house of worship, or other  
 23 location during or within 1 hour before or 1 hour after the  
 24 conducting at such places of a funeral or burial of, or a  
 25 memorial service for, a military service member, an emergency  
 26 response worker, an elected official, or a minor.

27 (3) A person who violates this section commits a  
 28 misdemeanor of the first degree, punishable as provided in s.  
 29 775.082 or s. 775.083.

Page 1 of 2

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

30-00168-13

2013118\_\_

30 Section 2. This act shall take effect October 1, 2013.

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2 / 6 / 2013

*Meeting Date*

Topic \_\_\_\_\_ Bill Number 118  
*(if applicable)*

Name BRIAN PITTS Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291  
*Street*

SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM  
*City State Zip*

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

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 \_\_\_\_\_ 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)

2-6-13

Meeting Date

Topic

FUNERAL PROTESTS

Bill Number

118

(if applicable)

Name

MILK PRENDERGAST

Amendment Barcode

(if applicable)

Job Title

EXEC DIRECTOR

FL VETERANS DEPT

Address

21005 CAPITAL

Phone

487 1533

Street

E-mail

City

State

Zip

Speaking:

For

Against

Information

Representing

FL DEPT VETS AFFAIRS

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)



699228

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2013	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. (1) As used in this section, the term:

(a) "Business entity" means any corporation, partnership,  
limited partnership, proprietorship, firm, enterprise,  
franchise, association, self-employed individual, or trust,  
whether fictitiously named or not, doing business in this state.

(b) "Veteran" has the same meaning as in s. 1.01, Florida  
Statutes.

(c) "Veterans' organization" means an organization whose



699228

13 membership is limited to veterans and their families and which  
14 exists primarily to benefit veterans.

15 (2) Any veterans' organization that has reason to believe  
16 that a business entity that holds itself out as a veterans'  
17 organization does not in fact operate primarily for the  
18 financial benefit and moral support of veterans and their  
19 families may bring a civil action in a court of competent  
20 jurisdiction against the offending business entity to cease and  
21 desist its business practices while holding itself out as a  
22 veterans' organization. Upon an adverse adjudication, the court  
23 also may impose a civil penalty of up to \$500 and payment of  
24 court costs and reasonable attorney fees incurred by the  
25 plaintiff. In such an action, the defendant has the burden of  
26 proof to show clear and convincing evidence that it does in fact  
27 operate primarily for the financial benefit and moral support of  
28 veterans and their families.

29 (3) A business entity that knowingly and intentionally  
30 violates subsection (2) commits a misdemeanor of the first  
31 degree, punishable as provided in s. 775.082 or s. 775.083,  
32 Florida Statutes.

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

34  
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete everything before the enacting clause  
38 and insert:

39 A bill to be entitled  
40 An act relating to veterans' organizations; defining  
41 terms; prohibiting a business entity from holding



699228

42           itself out as a veterans' organization under certain  
43           circumstances; authorizing an affected  
44           veterans' organization to bring a civil action in a  
45           court of competent jurisdiction against the offending  
46           business entity; authorizing the court to impose a  
47           civil penalty of up to \$500 and payment of court costs  
48           and reasonable attorney fees; providing for criminal  
49           penalties; providing an effective date.

By Senator Dean

5-00663-13

2013390\_\_

A bill to be entitled

An act relating to veterans' organizations; defining the terms "business entity," "veteran," and "veterans' organization"; prohibiting a business entity from holding itself out as a veterans' organization under certain circumstances; providing for criminal penalties; authorizing an affected party to bring a civil action in a court of competent jurisdiction against the offending business entity; authorizing the court to impose a civil penalty of up to \$500 and payment of court costs and reasonable attorney fees; providing an effective date.

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

Section 1. (1) As used in this section, the term:

(a) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(b) "Veteran" has the same meaning as in s. 1.01.

(c) "Veterans' organization" means an organization whose membership is limited to veterans and their families and which exists primarily to benefit veterans.

(2) A business entity may not hold itself out as a veterans' organization without the business entity proving by clear and convincing evidence that it operates primarily for the financial benefit and moral support of veterans and their families.

Page 1 of 2

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

5-00663-13

2013390\_\_

(3) A business entity that knowingly and intentionally violates subsection (2) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) In addition to any other penalty or remedy provided by law, an affected veterans' organization may bring a civil action in a court of competent jurisdiction against the offending business entity to cease and desist its business practices while holding itself out as a veterans' organization. Upon an adverse adjudication, the court may impose a civil penalty of up to \$500 and payment of court costs and reasonable attorney fees incurred by the plaintiff.

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

Page 2 of 2

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2 / 6 / 2013

*Meeting Date*

Topic \_\_\_\_\_

Bill Number 390

*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_

*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

*Street*

SAINT PETERSBURG                      FLORIDA                      33705

E-mail JUSTICE2JESUS@YAHOO.COM

*City*

*State*

*Zip*

Speaking:     For     Against     Information

Representing JUSTICE-2-JESUS

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 \_\_\_\_\_ 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)

2-6-13

Meeting Date

Topic Veterans Organizations Bill Number SB 390  
Name Mike Prendergast Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Executive Director FL Dept of Veterans Affairs  
Address Rm 2105 Capitol Phone 477-1533  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ E-mail \_\_\_\_\_

Speaking:  For  Against  Information  
Representing FL Dept of Veterans Affairs

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**  
**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 Affairs, Space, and Domestic Security

**BILL:** CS/SB 390

**INTRODUCER:** Military Affairs, Space, and Domestic Security and Senator Dean

**SUBJECT:** Veterans' Organizations

**DATE:** February 7, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	<b>Fav/CS</b>
2.			CJ	
3.			JU	
4.			RC	
5.				
6.				

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 390 allows a veterans' organization that has reason to believe that a business entity holding itself out as a veterans' organization does not in fact operate primarily for the financial benefit and moral support of veterans and their families to bring a civil action against the business entity. The bill requires the business entity to show clear and convincing evidence that it does in fact operate primarily for the financial benefit and moral support of veterans and their families while holding itself out as a veterans' organization.

Upon an adverse adjudication, the business entity must cease and desist its business practices while holding itself out as a veterans' organization and the court may also impose a civil penalty of up to \$500 and payment of court costs and reasonable attorney fees incurred by the plaintiff.

Additionally, the bill provides that a business entity that unlawfully holds itself out as a veterans' organization commits a misdemeanor of the first degree.

The bill creates an unnumbered section of the Florida Statutes.

## II. Present Situation:

Veterans' organizations, also referred to as veterans' service organizations, are non-profit groups that advocate for and assist veterans, while also providing opportunities for veterans to get involved with the larger community. Their particular roles and activities vary. While the term "veterans' organization" is not defined in Florida Statutes in a broad context, these organizations are treated in much the same way as other charitable and non-profit organizations.

### **Congressionally-Chartered Veterans' Organizations**

Title 36 of the U.S. Code lists national or patriotic non-profit corporations who have been granted corporate charters by act of Congress and whose primary purpose is to promote patriotic, charitable, educational, or other eleemosynary activities.<sup>1</sup> Many of these organizations are military veteran services oriented organizations. The corporations listed in Title 36 are not agencies of the United States, and the charter does not assign any governmental attributes.<sup>2</sup> The attraction of Title 36 status for national organizations is that it tends to provide an "official" imprimatur to their activities and, to the extent, it may provide them prestige and indirect financial benefit.

Currently, federal supervision of congressionally chartered non-profit organizations is limited. All "private corporations established under federal law," as defined and listed in Subtitle II,<sup>3</sup> are required to have independent audits annually, and to have the reports of the audits submitted to Congress.<sup>4</sup> Such organizations are also required to submit annual reports of their activities to Congress.

### **Nationally Recognized Veterans' Organizations**

The U.S. Department of Veterans Affairs (USDVA) is authorized to recognize certain veterans' organizations as national organizations for the purpose of assisting claimants for USDVA benefits in the preparation, presentation, and prosecution of their claims.<sup>5</sup> A veterans' organization may be recognized as a national organization if it satisfies specified criteria, which requires that a veterans' organization:

- Has a primary purpose of serving veterans;
- Demonstrate a substantial service to veterans;
- Commit a significant portion of its assets to veterans' services and have adequate funding to properly perform those services; and
- Maintain capability of providing complete claims service to each claimant requesting representation.<sup>6</sup>

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<sup>1</sup> These entities are referred to as "Title 36 corporations" because they are found in Title 36 of the U.S. Code.

<sup>2</sup> CRS Report for Congress, Congressionally Charters Non-profit Organizations ("Title 36 Corporations"): What They Are and how Congress Treats Them; Updated April 8, 2004; Ronald C. Moe, Consultant in American National Government. page 5.

<sup>3</sup> 36 U.S.C. Subtitle II

<sup>4</sup> 36 U.S.C. s. 10101

<sup>5</sup> 38 U.S.C. s. 5902

<sup>6</sup> 38 CFR s. 14.628

In addition, a nationally recognized organization must have the capability and resources to provide representation to a sizeable number of claimants, must be geographically diversified (i.e., one or more posts in at least 10 states), and in the case of membership organizations, must maintain a membership of 2,000 or more persons.<sup>7</sup>

The USDVA maintains a directory of congressionally chartered and non-chartered veterans' organizations recognized as national organizations.<sup>8</sup> This directory also includes other congressionally chartered and non-chartered veterans' organizations that are not recognized by the USDVA as national organizations, but which represent the interest of American veterans.

### **Annual Registration with Department of Agriculture and Consumer Services**

Veterans' organizations that intend to solicit donations in Florida must register with the Florida Department of Agriculture and Consumer Services (DACS). Florida's Solicitation of Contributions Act requires charitable organizations that engage in solicitation activities in Florida to register with the DACS and provide certain financial and background information as well as pay initial and annual renewal fees.<sup>9</sup> Registration statements must contain prescribed information<sup>10</sup> and be accompanied by the appropriate fee.<sup>11</sup> Veterans' organizations that have been granted a federal charter under Title 36, U.S.C., are exempt from the DACS registration requirements.<sup>12</sup>

While the DACS does not oversee the activities of the organizations that are required to register with the DACS, it does monitor an organization's activities to ensure compliance with the requirements in the Solicitation of Contributions Act. In addition, the DACS provides information to the public on the organizations registered to solicit contributions in Florida via the DACS's Gift Givers' Guide.<sup>13</sup>

### **Federal and State Tax Exemptions for Veterans' Organizations**

Depending on its organization or purpose, a veterans' organization may be recognized as tax exempt from federal income tax under the following sections of the Internal Revenue Code:

- 501(c)(19) – veterans' organizations
- 501(c)(4) – social welfare organizations
- 501(c)(7) – social clubs
- 501(c)(8) – fraternal beneficiary societies
- 501(c)(10) – domestic fraternal societies
- 501(c)(2) – title holding corporations<sup>14</sup>

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<sup>7</sup> *Id.*

<sup>8</sup> U.S. Department of Veterans Affairs. *Veterans and Military Service Organizations (Directory)*. Available at: [http://www1.va.gov/vso/VSO-Directory\\_2012-2013.pdf](http://www1.va.gov/vso/VSO-Directory_2012-2013.pdf)

<sup>9</sup> Chapter 496, F.S.

<sup>10</sup> Section 496.405(2), F.S.

<sup>11</sup> Section 496.405(4)(a), F.S.

<sup>12</sup> Section 496.406(3), F.S.

<sup>13</sup> Florida Department of Agriculture and Consumer Services. *Florida Charities Gift Givers' Guide*. Available at: <https://csapp.800helpfla.com/cspublicapp/giftgiversquery/giftgiversquery.aspx>

<sup>14</sup> Internal Revenue Service. *Tax Guide: Veterans' Organizations*. Available at: <http://www.irs.gov/pub/irs-pdf/p3386.pdf>

Veterans' organization need to meet specified criteria in order to be granted tax exempt status under the Internal Revenue Code. For example, section 501(c)(19), I.R.C., provides for an exemption from federal income tax for an organization of past or present members of the United States Armed Forces if:

- It is organized in the United States;
- At least 75% of its members are past or present members of the U.S. Armed Forces;
- Substantially all of its other members are individuals who are cadets or are spouses, widows, widowers, ancestors or lineal descendants of past or present members of the U.S. Armed Forces or of cadets; and
- No part of the net earnings of which inures to the benefit of any private shareholder or individual.

Florida law exempts qualified veterans' organizations from tax on sales and leases, when used in carrying out customary veterans' organization activities.<sup>15</sup> Veterans' organizations that qualify for this exemption are those that are nationally chartered or nationally recognized as a veterans' organization, which holds a current exemption under s. 501(c)(4) or (19) of the Internal Revenue Code. Additionally, under s. 220.22(4), F.S, certain veterans' organizations are exempt from state corporate income tax in Florida.

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

The bill allows a veterans' organization that has reason to believe that a business entity holding itself out as a veterans' organization does not in fact operate primarily for the financial benefit and moral support of veterans and their families to bring a civil action against the business entity. The bill requires the business entity to show clear and convincing evidence that it does in fact operate primarily for the financial benefit and moral support of veterans and their families while holding itself out as a veterans' organization.

Upon an adverse adjudication, the business entity must cease and desist its business practices while holding itself out as a veterans' organization and the court may also impose a civil penalty of up to \$500 and payment of court costs and reasonable attorney fees incurred by the plaintiff.

Additionally, the bill provides that a business entity that unlawfully holds itself out as a veterans' organization commits a misdemeanor of the first degree.

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

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

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

None.

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<sup>15</sup> Section 212.08(7)(n), F.S.

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:

Organizations found guilty of the newly created first-degree misdemeanor offense may be subject to a potential fine of up to \$1,000 and may also be subject to a civil penalty of up to \$500.

C. Government Sector Impact:

The Office of the State Courts Administrator notes a probable, though indeterminate, increase in judicial time and court workload associated with the new civil and criminal processes.<sup>16</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.)

**CS by Military Affairs, Space, and Domestic Security on February 6, 2013:**

The Committee Substitute reorganizes and modifies the bill to address technical issues.

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>16</sup> Office of State Courts Administrator. 2013 Judicial Impact Statement for SB 390.

## CHAPTER 2012-169

### House Bill No. 347

An act relating to college credit for military training and education courses; creating s. 1004.096, F.S.; requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, that enable United States Armed Forces service-members to earn college credit for college-level training and education acquired in the military; providing an effective date.

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

Section 1. Section 1004.096, Florida Statutes, is created to read:

1004.096 College credit for military training and education courses.—  
The Board of Governors shall adopt regulations and the State Board of Education shall adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules shall include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

Section 2. This act shall take effect July 1, 2012.

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.

## 6.013 Military Veterans and Active Duty

(1) College Credit for Military Training and Education Courses. Each university board of trustees shall adopt a policy and process that enables students who are or were eligible members of the United States Armed Forces to earn appropriate academic college credit for college-level training and education acquired in the military.

- (a) The policy and process shall include:
1. Specification that college credit will be granted to students with military training or coursework that is recognized by the American Council on Education (ACE) subject to regular institution transfer practices or limitations on amount, level, etc. of transfer credit. The process is subject to the same treatment as any other transfer credit evaluated.
  2. Utilization of the *ACE Guide to the Evaluation of Educational Experiences in the Armed Services* in order to determine equivalency and alignment of military coursework with appropriate university courses.
  3. Specification that if the course to which the military training or coursework is equivalent fulfills a general education or major course or degree program requirement at the receiving institution, the credit should count towards graduation and meet a requirement accordingly. Otherwise, appropriate course credit including free elective course credit will be granted.
  4. Articulation of credits earned via military training and coursework between state universities. Credit that was previously evaluated and awarded by a college degree granting institution, and that is appropriate to the transfer student's major at the university, should be accepted, subject to institution limit on the amount, level of transfer credit allowed for a given degree.
- (b) Credit awarded for military education and training shall be noted on the veteran student's transcript and documentation of the credit equivalency evaluation shall be maintained in the student veteran's file.
- (c) Each university shall provide a copy of the policy and process on the university registrar's website and within its university catalogs.
- (d) Credit awarded for military education and training shall not be counted in the excess hours fee per Regulation 7.003 due to the credit being based on work accomplished while serving in active-duty.

## (2) Priority Course Registration for Veterans

- (a) Each university that offers priority course registration for a segment of the student population shall provide the same priority course registration for each veteran of the United States Armed Forces who is receiving GI Bill

educational benefits and for the spouse or dependent children of a veteran to whom the GI Bill education benefits have been transferred.

Authority: Section 7(d), Art. IX, Fla. Const.; Section 39.205, F.S. New: 11-08-12.

**6A-14.0302 Credit for Military Service.**

(1) College Credit for Military Training and Education Courses. Each Florida College System institution board of trustees shall adopt a policy that enables students who are or were eligible members of the United States Armed Forces to earn appropriate credit for prior learning through military training, experience, and coursework.

(a) The policy shall include:

1. Specification that credit will be granted to students with military training, experience, or coursework that is recognized by the American Council on Education (ACE).

2. Specification that if the course to which the military training or coursework is determined equivalent fulfills a general education or major course or degree program requirement, the credit will apply toward the award as such. Otherwise, credit will be granted to the extent elective credits are needed to fulfill program requirements.

3. A receiving Florida public postsecondary institution may accept in transfer any military credit that was previously evaluated and awarded by a Florida public postsecondary institution, and that is appropriate to the student's program of study.

(b) Credit awarded for military training and coursework shall be noted on the student's transcript.

(c) Each Florida College System institution shall display the policy on its website and within its catalog.

(2) Priority Course Registration for Veterans. Florida College System institutions that offer priority course registration for a segment of the student population shall provide priority course registration for each veteran of the United States Armed Forces who is receiving GI Bill educational benefits and for the spouse or dependent children of a veteran to whom the GI Bill education benefits have been transferred. In order to receive priority course registration privileges, the eligible veteran or spouse or dependent children must provide the Florida College System institution with a copy of the Certificate of Eligibility or other military documentation verifying eligibility for GI Bill education benefits.

*Rulemaking Authority 1004.096 FS. Law Implemented 1004.096, 1004.075 FS. History—New 1-17-13.*

# **College Credit for Military Training and Education Courses**

**HOUSE BILL 347 (2012)**

Representative Harrell

**SENATE BILL 532 (2012)**

Senator Altman

Ray Spaulding, Senior Legislative Analyst

# House Bill 347 (2012)

College Credit for Military Training and Education Courses

House Bill 347 directed the **Board of Governors** to adopt regulations and the **State Board of Education** to adopt rules that enabled members of the U.S. Armed Forces to earn academic credit at public postsecondary educational institutions for college-level training and education acquired in the military.

- **HB 347 became law on July 1, 2012**
- **State University System of Florida**  
Rule 6.013 – adopted on Nov 8, 2012
- **Florida College System**  
Rule 6A-14.0302 – adopted on Dec 12, 2012

# **Rule 6.013 (SUS) and Rule 6A-14.0302 (FCS)**

With the passage of HB 347, the **State University System** and the **Florida College System** have adopted rules to award academic credit for military training, that specify the use of military credit toward degree program requirements, and allows for transfer of credit when possible. Additionally, the credit shall be noted on the student's transcript and the policy shall be published in the university or college's catalog and or website.

# American Council on Education

The American Council on Education (ACE) collaborates with the U.S. Department of Defense to review military training and experiences and recommend appropriate college credit for members of the Armed Forces. ACE's credit recommendations appear online and on military transcripts.

# **Military Transcripts used by ACE**

- **U.S. Army:** Army/American Council on Education Registry Transcript System (AARTS)
- **U.S. Navy/U.S. Marine Corps:** Sailor/Marine American Council on Education Registry Transcript (SMART)
- **U.S. Air Force:** Community College of the Air Force (CCAF) Transcript
- **U.S. Coast Guard:** U.S. Coast Guard Institute (CGI) Transcript

# A Veteran Can Use the ACE Website

- A veteran goes to:  
<http://www.acenet.edu/higher-education/Pages/Military-Students-and-Veterans.aspx>
- Enters his or her basic military skills information (officer/enlisted, years of service, MOS/Job Rating)
- Receives a print-out recommending college credits based on information provided (a veteran does not have to join ACE or pay a fee to be evaluated).

# Evaluation of Educational Experiences for Missile Technician Third Class, USN

- **Exhibit Dates:** 6/73–9/93.
- **Occupational Field:** 9 (Ordnance Systems).
- **Description**  
*Summary: MT3:* Aligns and calibrates basic electronic circuits; under supervision, performs troubleshooting, calibration, adjustments, and tests on missile launcher and missile support equipment; uses circuit diagrams and mechanical drawings; identifies basic digital circuits; operates weapons system equipment; completes maintenance data forms.
- **Recommendation, MT3**  
In the lower-division baccalaureate/associate degree category, 3 semester hours in basic electricity and electronics and 3 in applied mathematics.

# Questions

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2-6-13  
Meeting Date

Topic HB 347 Presentation

Bill Number                       
*(if applicable)*

Name Mike Prendergast

Amendment Barcode                       
*(if applicable)*

Job Title Ex. Dir. FL Dept Vet. Affairs

Address Rm 2105 The Capitol  
Street

Phone 487-1533

City

State

Zip

E-mail                     

Speaking:  For  Against  Information

Representing FL. Dept of Veterans Affairs

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

Tallahassee, Florida 32399-1100

### COMMITTEES:

Gaming, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on Finance and Tax  
Education  
Military Affairs, Space, and Domestic Security  
Regulated Industries

### SENATOR MARIA LORTS SACHS

*Democratic Leader Pro Tempore*  
34th District

RECEIVED

FEB 4 2013

January 28, 2013

The Honorable Don Gaetz  
President of the Senate  
420 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Dear President Gaetz,

Because of a death in the family I will not be able to attend committee meetings the week of February 4, 2013. I will be returning to the office on Thursday February 7<sup>th</sup>.

Pursuant to the Rules of the Senate every committee chair will be contacted regarding my absence. Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Maria Lorts Sachs".

Senator Maria Sachs  
District 34

REPLY TO:

- 955 NW 17th Avenue, Suite E, Delray, Florida 33445 (561) 279-1427
- 216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

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

DON GAETZ

GARRETT RICHTER



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Chair*  
Appropriations  
Appropriations Subcommittee on Finance and Tax  
Environmental Preservation and Conservation  
Ethics and Elections  
Gaming  
Judiciary  
Military Affairs, Space, and Domestic Security  
Rules

## JOINT COMMITTEE:

Joint Legislative Budget Commission

**SENATOR ANDY GARDINER**

13th District

February 6, 2013

The Honorable Thad Altman, Chair  
Military Affairs, Space, and Domestic Security Committee  
111 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Altman,

I am writing to respectfully request that I be excused from the Military Affairs, Space, and Domestic Security Committee meeting scheduled for Wednesday, February 6. I have a scheduling conflict and unfortunately will not be able to attend the meeting.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,

  
Senator Andy Gardiner  
District 13

AG:svc

Cc: Ms. Elizabeth Ryon, Staff Director

## REPLY TO:

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



**9:54:35 AM** Follow-up from Sen. Dean  
**9:54:45 AM** Response from Colonel Prendergast  
**9:57:29 AM** Comments from Sen. Dean  
**9:57:42 AM** Question/comments from Sen. Evers  
**9:58:57 AM** Question from Sen. Bullard  
**9:59:18 AM** Response from Ray Spaulding, Committee Analyst  
**9:59:36 AM** Follow-up from Sen. Bullard  
**10:01:05 AM** Comments from Sen. Legg  
**10:01:37 AM** Comments from Colonel Prendergast  
**10:03:13 AM** Comments from Chairman Altman  
**10:03:43 AM** E.J. Cox, Deputy Director, Office of Gov. Affairs FSU SGA waives in Support  
**10:03:59 AM** Edward Woodruff, Government Relations Director, St. Petersburg College waives in support  
**10:04:10 AM** Comments from Jared Ferreira, President, Florida College System Student Government Association  
**10:06:02 AM** Question from Chairman Altman  
**10:06:28 AM** Comments from Sen. Legg  
**10:06:36 AM** Comments from Chairman Altman  
**10:06:46 AM** Additional comments from Jared Ferreira  
**10:06:58 AM** Comments from Brian Pitts, Justice 2 Jesus  
**10:10:31 AM** Colonel Mike Prendergast, Executive Director, Florida Department of Veterans' Affairs waives in support  
**10:10:52 AM** Colonel Glen Sutphin Jr., Chief of Legislative Services waves in support  
**10:11:09 AM** Additional comments from Chairman Altman  
**10:11:21 AM** Comments from Sen. Gibson  
**10:12:28 AM** Comments from Sen. Abruzzo  
**10:13:02 AM** Comments from Sen. Evers regarding explanation of Bill  
**10:14:54 AM** Comments from Sen. Bullard  
**10:16:00 AM** Comments from Chairman Altman  
**10:16:10 AM** Rep. Peters closing on the Bill  
**10:16:30 AM** Comments from Chairman Altman  
**10:16:44 AM** Roll call by Administrative Assistant, Lois Graham on Bill  
**10:17:01 AM** SB 260 passes favorably  
**10:17:24 AM** SB 118 by Sen. Benacquisto, Matthew Hunter presented Bill  
**10:17:52 AM** Presentation by Matthew Hunter  
**10:18:36 AM** Comments from Chairman Altman  
**10:18:45 AM** Question from Sen. Legg  
**10:18:52 AM** Response from Matthew Hunter  
**10:18:58 AM** Additional comments from Sen. Legg  
**10:19:17 AM** Comments/question from Sen. Abruzzo  
**10:19:34 AM** Response from Matthew Hunter  
**10:19:53 AM** Comments from Chairman Altman  
**10:20:06 AM** Comments from Brian Pitts, Justice 2 Jesus  
**10:23:27 AM** Colonel Mike Prendergast, Executive Director, Florida Department of Veterans' Affairs waives in support  
**10:23:42 AM** Comments from Chairman Altman  
**10:23:53 AM** Comments from Sen. Legg in debate  
**10:24:58 AM** Comments from Sen. Abruzzo  
**10:26:01 AM** Roll call by Administrative Assistant, Lois Graham  
**10:26:22 AM** SB 118 passed favorably  
**10:26:37 AM** Comments from Chairman Altman regarding SB 390  
**10:26:50 AM** Explanation of SB 390 by Sen. Dean

10:27:26 AM Comments from Chairman Altman regarding Amendment  
10:27:43 AM Explanation of Strike-all Amendment by Sen. Dean  
10:28:16 AM Comments from Chairman Altman  
10:28:34 AM Amendment adopted  
10:28:44 AM Question from Sen. Gibson regarding Bill  
10:29:10 AM Answer from Sen. Dean  
10:29:41 AM Additional question from Sen. Gibson  
10:30:15 AM Answer from Sen. Dean  
10:30:32 AM Question from Sen. Bullard  
10:31:32 AM Response from Sen. Dean  
10:32:28 AM Follow-up from Sen. Bullard  
10:33:25 AM Response from Sen. Dean  
10:33:45 AM Comments from Chairman Altman  
10:33:55 AM Question from Sen. Dean  
10:34:21 AM Response from Sen. Dean  
10:34:34 AM Additional question from Sen. Evers  
10:34:44 AM Response from Sen. Dean  
10:34:53 AM Additional question from Sen. Evers  
10:35:10 AM Response from Sen. Dean  
10:35:31 AM Comments from Sen. Evers  
10:35:39 AM Response from Sen. Dean  
10:35:49 AM Question from Sen. Gibson  
10:36:21 AM Response from Sen. Evers  
10:36:44 AM Comments from Chairman Altman  
10:36:49 AM Additional comments from Sen. Gibson  
10:37:49 AM Answer from Chairman Altman  
10:39:02 AM Comments from Brian Pitts, Justice 2 Jesus  
10:40:58 AM Colonel Mike Prendergast, Executive Director, Department of Veterans' Affairs waives  
in support  
10:41:17 AM Sen. Dean waived closure  
10:41:30 AM Roll call by Administrative Assistant, Lois Graham  
10:41:46 AM SB 390 reported favorably  
10:42:55 AM Vote to reconsider SB 390 by Chairman Altman, passed unanimously  
10:43:25 AM Roll call for Committee Substitute by Administrative Assistant, Lois Graham  
10:44:18 AM Introduction of Committee Staff Analyst, Ray Spaulding by Chairman Altman  
10:44:20 AM Presentation by Ray Spaulding, Committee Analyst  
10:50:16 AM Comments from Chairman Altman  
10:50:23 AM Question from Sen. Dean  
10:50:51 AM Response from Ray Spaulding  
10:51:30 AM Question from Chairman Altman  
10:52:14 AM Response from Colonel Mike Prendergast, Executive Director, Department of Veterans'  
Affairs  
10:52:36 AM Comments from Chairman Altman  
10:52:48 AM Question from Sen. Dean  
10:53:02 AM Response from Ray Spaulding  
10:54:03 AM Question from Chairman Altman  
10:54:11 AM Response from Ray Spaulding  
10:54:44 AM Question from Sen. Bullard  
10:55:01 AM Response from Ray Spaulding  
10:55:19 AM Comments from Chairman Altman  
10:55:33 AM Senator Evers moves to rise