

**SB 1124** by **Altman**; (Compare to H 0719) Veteran Preference in State Purchasing

**SB 1156** by **Altman**; (Similar to H 1029) Space Exploration

**SPB 7028** by **MS**; Military Installations

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

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

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

**MEETING DATE:** Thursday, March 14, 2013

**TIME:** 8:00 —10:00 a.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 1124</b> Altman (Compare H 719)	Veteran Preference in State Purchasing; Requiring state agencies to apply a specific percentage preference to bids, proposals, or replies from certified veteran business enterprises, etc.  MS     03/14/2013 Favorable GO JU AP	Favorable Yeas 8 Nays 0
2	<b>SB 1156</b> Altman (Similar H 1029)	Space Exploration; Creating part XIII of ch. 288, F.S., entitled "Space Exploration Research Laboratory"; requiring the Florida Institute of Technology to submit a plan to the Department of Economic Opportunity (DEO) in order to qualify for grant funding of a space exploration research laboratory; directing the Department of Revenue, after notice by the DEO that certain contingencies have been met, to annually distribute for a certain number of years a specified amount of funds generated by visitor activity at the Kennedy Space Center and Cape Canaveral Air Force Station for the purpose of establishing and operating a space exploration research institute at the Florida Institute of Technology, etc.  MS     03/14/2013 Favorable CM AED AP	Favorable Yeas 8 Nays 0

Consideration of proposed committee bill:

3	<b>SPB 7028</b>	Military Installations; Providing functions of the Military Base Protection Program; authorizing the Department of Economic Opportunity to annually recommend nonconservation lands to acquire through fee simple purchase or less-than-fee interest purchase to the Board of Trustees of the Internal Improvement Trust Fund for the purpose of preventing the encroachment of military installations; authorizing funds appropriated to the Military Base Protection Program to be used for land acquisition to prevent or reduce encroachment of military installations, etc.	Submitted as Committee Bill
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**COMMITTEE MEETING EXPANDED AGENDA**

Military and Veterans Affairs, Space, and Domestic Security  
Thursday, March 14, 2013, 8:00 —10:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	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 and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1124

INTRODUCER: Senator Altman

SUBJECT: Veteran Preference in State Purchasing

DATE: March 12, 2013                      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 1124 removes the “tiebreaker” preference for a veteran business enterprise (VBE) certified by the Office of Supplier Diversity within the Department of Management Services. The tiebreaker preference requires a state agency to award a procurement or contract to a certified VBE, when considering two or more bids, proposals, or replies that are equal with respect to all relevant considerations including price, quality, and service.

In place of the tiebreaker preference, the bill requires a state agency, when considering two or more bids, proposals, or replies to apply a 3 percent preference to the first \$500,000 of a certified VBE’s bid, proposal, or reply.

The bill substantially amends section 295.187 of the Florida Statutes.

**II. Present Situation:**

The Office of Supplier Diversity (OSD) within the Department of Management Services (DMS) has the mission to improve business and economic opportunities for Florida's minority, women, and veteran business enterprises. Current law requires the DMS, through the OSD, to implement a minority business enterprise (MBE) certification program and a veteran business enterprise (VBE) certification program. Minority, women, and veteran-owned businesses certified by the OSD are eligible for benefits such as: first tier referrals to state agencies for contract opportunities; business development guidance from established corporations; participation at regional workshops, seminars, and corporate roundtables; and inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.

The Florida Veteran Business Enterprise Opportunity Act (Act) exists to rectify the economic disadvantage of service-disabled veterans and to recognize wartime veterans of a period of war for their sacrifices.<sup>1</sup>

The Act creates the certification process within the DMS for VBEs. It creates a “tiebreaker” preference for VBEs by requiring a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified VBE, that are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified VBE. However, if a certified VBE and one or more VBE or businesses eligible for another statutory vendor preference, such as an MBE, submit bids or proposals that are equal with respect to all relevant considerations including price, quality, and service, the state agency must award the contract or proposal to the business having the smallest net worth.

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

- Employs 200 or fewer permanent full-time employees;
- Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments.
- Is organized to engage in commercial transactions;
- Is domiciled in this state;
- Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans;<sup>2</sup> and
- Is managed and controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

For purposes of VBE certification, a “wartime veteran” means:

- A wartime veteran as defined in s. 1.01(14), F.S.; or
- A veteran of a period of war, as used in 38 U.S.C. s 1521, who served in the active military, naval, or air service:
  - For 90 days or more during a period of war;
  - During a period of war and was discharged or released from such service for a service-connected disability;
  - For a period of 90 consecutive days or more and such period began or ended during a period of war; or
  - For an aggregate of 90 days or more in two or more separate periods of service during more than one period of war.

<sup>1</sup> The Act is established in s. 295.187, F.S.

<sup>2</sup> Service-disabled veteran means a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense.

The Act establishes a certification process administered by the DMS, in coordination with the Florida Department of Veterans' Affairs (DVA). The certification process requires applicants to submit documentation demonstrating that the business meets the above-listed requirements. Certification is renewed biennially and may be revoked for one year if the VBE fails to inform the DMS within 30 days of a change in circumstances that renders the business ineligible for certification.

The Act provides rule-making authority to the DVA, and requires the DVA to:

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

The Act also provides rule-making authority to the DMS, and requires the DMS to:

- Establish a certification procedure, which must be reviewed biennially and updated as necessary.
- Grant, deny, or revoke the certification of a VBE.
- Maintain an electronic directory of certified veteran business enterprises for use by the state, political subdivisions of the state, and the public.

In addition, the Act encourages political subdivisions of the state to offer a similar consideration to certified service-disabled veterans.

There are currently 248 VBEs certified by the OSD.<sup>3</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 295.187, F.S., to remove the “tiebreaker” preference which requires a state agency to award a procurement or contract to a certified VBE, when considering two or more bids, proposals, or replies that are equal with respect to all relevant considerations including price, quality, and service.

In place of the tiebreaker preference, the bill requires a state agency, when considering two or more bids, proposals, or replies to apply a 3 percent preference to the first \$500,000 of a certified VBE's bid, proposal, or reply. An eligible certified VBE must submit a veteran-owned preference form and any required documentation to be given preference.

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

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<sup>3</sup> E-mail correspondence with DMS staff. March 12, 2013.

**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:

The veteran preference provision in the bill may potentially implicate the Equal Protection Clause of the U.S. Constitution.<sup>4</sup>

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill could result in more business being awarded to certified veteran business enterprises as a product of the preference being given to them.

## 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.

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<sup>4</sup> U.S. CONST. amend. XIV, § 1. *See also* FLA. CONST. art. I, s. 2.

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 Altman

16-01166-13

20131124\_\_

A bill to be entitled

An act relating to veteran preference in state purchasing; amending s. 295.187, F.S.; requiring state agencies to apply a specific percentage preference to bids, proposals, or replies from certified veteran business enterprises; providing an effective date.

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

Section 1. Subsection (4) of section 295.187, Florida Statutes, is amended to read:

295.187 Florida Veteran Business Enterprise Opportunity Act.—

(4) **VENDOR PREFERENCE.—**

(a) A state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified veteran business enterprise, ~~which are equal with respect to all relevant considerations, including price, quality, and service,~~ shall apply a 3-percent preference to the first \$500,000 of the bid, proposal, or reply award such procurement or contract to the certified veteran business enterprise.

(b) An eligible certified veteran business enterprise must submit a veteran-owned preference form and any required documentation to be given preference.

~~(c)(b)~~ Notwithstanding s. 287.057(11), if a veteran business enterprise entitled to the vendor preference under this section and one or more businesses entitled to this preference or another vendor preference provided by law submit bids,

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

16-01166-13

20131124\_\_

proposals, or replies for procurement of commodities or contractual services which are equal with respect to all relevant considerations, including price, quality, and service, the state agency shall award the procurement or contract to the business having the smallest net worth.

~~(d)(e)~~ Political subdivisions of the state are encouraged to offer a similar consideration to businesses certified under this section.

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

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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)

3-14-13

Meeting Date

Topic

Veterans Preference

Bill Number

1124

(if applicable)

Name

MIKE PRENDERGAST

Amendment Barcode

(if applicable)

Job Title

EXEC DIRECTOR

Address

Street

Phone

487-1533

E-mail

City

State

Zip

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.

**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 and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1156

INTRODUCER: Senator Altman

SUBJECT: Space Exploration

DATE: March 12, 2013      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 1156 allows the Florida Institute of Technology (FIT) to submit to the Department of Economic Opportunity (DEO) a plan to establish and operate a space exploration research laboratory (research laboratory). The bill requires the plan to include a number of elements including enrollment and graduation expectations and a strategy for securing private and federal research funds. Upon approval of the plan by DEO, the Department of Revenue is to distribute \$5 million annually for 10 years to FIT to establish and operate the research laboratory. The research laboratory must generate at least \$20 million annually in non-state revenue by the end of the research laboratory's 10th year of operation. If this minimum standard is not met, DEO must cease the funding of the research laboratory. In addition, DEO may also cease funding of the research laboratory if DEO determines FIT is not making substantial progress in establishing and maintaining the world class research laboratory based on DEO's review of FIT's annual report required by the bill.

The bill creates section 288.993 and substantially amends section 212.20 of the Florida Statutes.

**II. Present Situation:**

Florida has been a leader in the U. S. space industry since its inception. It is home to a large number of major aviation and aerospace companies as well as other key space industry assets including the National Aeronautics and Space Administration (NASA), Cape Canaveral Air Force Station, and additional U.S. military bases. In addition to its impressive space infrastructure, Florida's geographic location, optimal climate conditions, and exceptionally

knowledgeable technical workforce contribute to the state's ability to be a space industry leader. Florida's expected total aerospace industries sales and revenues is \$17.72 billion for 2013.<sup>1</sup>

Around the globe, university-based research and development has proven to be an economic stimulator, in which technologies are developed and transferred into commercialization and, as a result, create job opportunities. Some of Florida's space-related research programs which complement Florida's role in space industry include: the Florida Space Institute, the NASA Florida Space Grant Consortium; the Center for Microgravity Research; and the Federal Aviation Administration's Center of Excellence for Commercial Space Transportation.

#### The Florida Space Institute<sup>2</sup>

The Florida Space Institute (FSI) was created in 1996 and currently operates as a consortium of 10 higher education institutions in Florida.<sup>3</sup> FSI is physically located at the Kennedy Space Center and its mission is "to support space research, development, and education activities within the University of Central Florida (UCF) and other FSI member institutions in Florida, and secondarily to support the development of Florida's space economy—civil, defense, and commercial."

#### NASA Florida Space Grant Consortium<sup>4</sup>

NASA has encouraged a voluntary association of seventeen public and private Florida universities, colleges, the Astronaut Memorial Foundation, Space Florida, the Kennedy Space Center, and the Orlando Science Center to support the expansion and diversification of Florida's space industry, through providing grants, scholarships, and fellowships to students and educators from Florida's public and private institutes of higher education.

#### The Center for Microgravity Research and Education<sup>5</sup>

The Center for Microgravity Research and Education is a joint venture of the University of Central Florida and Space Florida that conducts and facilitates research in microgravity sciences. The Center makes use of parabolic airplane flights, drop towers, suborbital rocket flights, and orbital flights.

#### Federal Aviation Administration's Center of Excellence and Commercial Space Transportation<sup>6</sup>

The Federal Aviation Administration's (FAA) Center of Excellence and Commercial Space Transportation (Center) allows the FAA to partner with universities and private industry to conduct research in environmental and aviation safety, and other activities to assure a safe and efficient air transportation system. This research will extend to cutting-edge technologies and infrastructure for private human spaceflight and orbital debris mitigation. Florida has a high representation in the Center in that 4 out of the 9 university members are Florida universities –

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<sup>1</sup> Center of Economic Forecasting and Analysis, Florida State University; Final Report Phase Two: The Economic Impact of Aerospace in Florida. March 31, 2012.

<sup>2</sup> The Florida Space Institute, <http://fsi.ucf.edu/about/>

<sup>3</sup> FSI members include: University of Central Florida, Florida Institute of Technology, Broward College, Florida A&M University, Florida Atlantic University, University of South Florida, University of Miami, Brevard Community College, University of Florida, Embry-Riddle Aeronautical University.

<sup>4</sup> NASA Florida Space Grant Consortium, <http://floridaspacegrant.org/>

<sup>5</sup> The Center for Microgravity Research and Education, <http://microgravity.physics.ucf.edu/>

<sup>6</sup> FAA's Center of Excellence and Commercial Space Transportation, <http://www.coe-cst.org/>.

Florida Institute of Technology, Florida State University, University of Central Florida, and University of Florida.

### **Florida Institute of Technology**

The Florida Institute of Technology (FIT) is a private research university located in Melbourne, Florida. It is accredited by the Southern Association of Colleges and Schools<sup>7</sup> and is a member of the Independent Colleges and Universities of Florida.<sup>8</sup> FIT has five academic divisions with strong emphasis on science, technology, engineering, and mathematics. It is located on a 130-acre campus near KSC and the Florida Tech Research Park. The Research Park is located within the Melbourne International Airport on Brevard County's Space Coast. It represents the largest research, science and technology park located at a FAA approved airport. There are numerous high-tech companies on site.<sup>9</sup> FIT currently offers baccalaureate, masters, and doctorate degrees in various space science programs.<sup>10</sup>

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

**Section 1** creates s. 288.993 F.S., to authorize the establishment of a space exploration research laboratory at FIT.

The bill allows FIT to submit to DEO a plan to establish and operate a space exploration research laboratory (research laboratory). The plan for the research laboratory must include, at a minimum, the following:

- Enrollment and graduation expectations for baccalaureate, masters, and doctorate programs related to space exploration and science, technology, engineering, and mathematics (STEM) disciplines for each of the next succeeding 10 years;
- The number of new faculty and the average salary of newly hired faculty expected for each of the next 10 years;
- The number of faculty with a National Academy membership who are expected to be associated with FIT; and
- A strategy for securing private and federal research funds.

The bill also requires FIT, once approved by DEO to establish the research laboratory, to submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and DEO detailing expenditures and accomplishments of the research laboratory, including:

- Enrollment and graduation data for the preceding year and since inception of the research laboratory;
- Information on newly hired faculty for the research laboratory;
- The amount and type of private and federal research funds secured during the previous year;
- The total research expenditures in space exploration;
- The number of new start-up companies formed;

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<sup>7</sup> Commission on Colleges of the Southern Association of Colleges and Schools ([SACS](http://www.sacscoc.org/searchResults.asp)), <http://www.sacscoc.org/searchResults.asp>.

<sup>8</sup> The Independent Colleges & Universities of Florida (ICUF), <http://www.icuf.org/newdevelopment/>.

<sup>9</sup> Florida Institute of Technology, Florida Tech Research Park (FTRP), <http://www.fit.edu/researchpark/about.php#.UT4vUtaKKuJ>, last viewed March 11, 2013.

<sup>10</sup> Florida Institute of Technology, Academics, <http://www.fit.edu/academics/>, last viewed March 11, 2013.

- The number of patents and licenses issued; and
- The amount of royalty income generated.

DEO must review FIT's annual report and make an annual recommendation to continue funding of the research laboratory to the Governor, President of the Senate, and Speaker of the House of Representatives based on proof that the research laboratory is making substantial progress. If DEO determines FIT is not making substantial progress in establishing and maintaining a world class space exploration research laboratory, DEO can certify to DOR to cease funding.

The bill requires FIT to enter into a contract with DEO agreeing to create a world class space exploration research laboratory that generates at least \$20 million annually in non-state revenue by the end of the research laboratory's 10<sup>th</sup> year of operation. If this minimum standard is not met, DEO must certify to the Department of Revenue to cease funding of the research laboratory.

**Section 2** amends s. 212.20, F.S., to require DOR to distribute \$5 million annually to FIT after DEO has approved FIT's plan for the space exploration research laboratory. The amount is representative of the amount of sales and use taxes generated by visitor activity at the Kennedy Space Center and the Cape Canaveral Air Force Station. DOR must make the distribution 60 days after DEO certifies FIT's plan, and make an annual distribution of \$5 million on the anniversary date of the initial distribution for 10 years.

**Section 3** 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:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

Upon DEO's approval of FIT's plan to create a space exploration research laboratory, the bill requires DOR to distribute \$5 million annually for ten years to FIT to fund the research laboratory.

**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.

By Senator Altman

16-00568-13

20131156\_\_

1 A bill to be entitled  
 2 An act relating to space exploration; creating part  
 3 XIII of ch. 288, F.S., entitled "Space Exploration  
 4 Research Laboratory"; creating s. 288.9933, F.S.;  
 5 requiring the Florida Institute of Technology to  
 6 submit a plan to the Department of Economic  
 7 Opportunity in order to qualify for grant funding of a  
 8 space exploration research laboratory; requiring  
 9 certain information to be included in the plan;  
 10 requiring the institute to annually submit a report  
 11 relating to expenditures and accomplishments of the  
 12 space exploration research laboratory; specifying  
 13 information for inclusion in the annual report;  
 14 requiring the institute to enter into a contract  
 15 containing certain terms with the Department of  
 16 Economic Opportunity; providing for funding to cease  
 17 under certain circumstances; requiring the Department  
 18 of Economic Opportunity to make annual reviews and  
 19 recommendations concerning whether to continue funding  
 20 the space exploration research laboratory; providing  
 21 for funding to cease under certain circumstances;  
 22 amending s. 212.20, F.S.; directing the Department of  
 23 Revenue, after notice by the Department of Economic  
 24 Opportunity that certain contingencies have been met,  
 25 to annually distribute for a certain number of years a  
 26 specified amount of funds generated by visitor  
 27 activity at the Kennedy Space Center and Cape  
 28 Canaveral Air Force Station for the purpose of  
 29 establishing and operating a space exploration

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30 research institute at the Florida Institute of  
 31 Technology; providing an effective date.

32  
 33 Be It Enacted by the Legislature of the State of Florida:

34  
 35 Section 1. Part XIII of chapter 288, Florida Statutes,  
 36 consisting of section 288.9933, Florida Statutes, is created and  
 37 entitled "Space Exploration Research Laboratory."  
 38

39 PART XIII

40 SPACE EXPLORATION RESEARCH LABORATORY

41  
 42 288.9933 Space exploration research laboratory at the  
 43 Florida Institute of Technology.-

44 (1) The Florida Institute of Technology shall submit a plan  
 45 for establishing and operating a space exploration research  
 46 laboratory to the Department of Economic Opportunity, to qualify  
 47 to receive the grant funds available in accordance with s.  
 48 212.20(6). At a minimum, the plan must include the following:

49 (a) Enrollment and graduation expectations for  
 50 baccalaureate, masters, and doctorate programs related to space  
 51 exploration and science, technology, engineering, and  
 52 mathematics (STEM) disciplines for each of the next succeeding  
 53 10 years.

54 (b) The number of new faculty and the average salary of  
 55 newly hired faculty expected for each of the next 10 years.

56 (c) The number of faculty with a National Academy  
 57 membership who are expected to be associated with the institute.

58 (d) A strategy for securing private and federal research

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

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59 funds.

60 (2) By February 1 of each year, the institute must submit a  
 61 report to the Governor, the President of the Senate, the Speaker  
 62 of the House of Representatives, and the Department of Economic  
 63 Opportunity providing details of the expenditures and  
 64 accomplishments of the space exploration research laboratory,  
 65 including the following:

66 (a) The number of students enrolled and the number of  
 67 students who have graduated with baccalaureate, masters, and  
 68 doctorate degrees related to space exploration and science,  
 69 technology, engineering, and mathematics (STEM) disciplines over  
 70 the previous year and the number of students who have graduated  
 71 with such degrees since the inception of the research  
 72 laboratory.

73 (b) The number and qualifications of newly hired faculty  
 74 for the research laboratory, specifying the number of faculty  
 75 with a National Academy membership and any other prestigious  
 76 faculty awards.

77 (c) The amount and type of private and federal research  
 78 funds secured during the previous year.

79 (d) Total research expenditures in space exploration.

80 (e) The number of new start-up companies formed.

81 (f) The number of patents and licenses issued.

82 (g) The amount of royalty income generated.

83 (3) The institute must enter into a contract with the  
 84 Department of Economic Opportunity agreeing to create a world  
 85 class space exploration research laboratory that generates at  
 86 least \$20 million annually in nonstate revenue by the end of the  
 87 research laboratory's 10th year of operation. If the minimum

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88 standard of \$20 million annually is not met within 10 years  
 89 after the first grant distribution, the Department of Economic  
 90 Opportunity must so certify to the Department of Revenue and the  
 91 distribution provided under s. 212.20(6)(d)6.e., shall cease on  
 92 June 30th following the submission of the report required under  
 93 subsection (2).

94 (4) The Department of Economic Opportunity must review the  
 95 annual report required under subsection (2) and make an annual  
 96 recommendation to continue funding for the space exploration  
 97 research laboratory certifying to the Governor, the Speaker of  
 98 the House of Representatives, and the President of the Senate  
 99 that the laboratory is making substantial progress in  
 100 establishing and maintaining a world class space exploration  
 101 laboratory at the institute. If the department determines that  
 102 the institute is not making substantial progress in establishing  
 103 and maintaining a world class space exploration research  
 104 laboratory, the department shall so certify to the Department of  
 105 Revenue and the distribution provided in s. 212.20(6)(d)6.e.,  
 106 shall cease on June 30th following the date of submission of the  
 107 report required under subsection (2).

108 Section 2. Paragraph (d) of subsection (6) of section  
 109 212.20, Florida Statutes, is amended to read:

110 212.20 Funds collected, disposition; additional powers of  
 111 department; operational expense; refund of taxes adjudicated  
 112 unconstitutionally collected.-

113 (6) Distribution of all proceeds under this chapter and s.  
 114 202.18(1)(b) and (2)(b) shall be as follows:

115 (d) The proceeds of all other taxes and fees imposed  
 116 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)

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117 and (2) (b) shall be distributed as follows:

118 1. In any fiscal year, the greater of \$500 million, minus  
119 an amount equal to 4.6 percent of the proceeds of the taxes  
120 collected pursuant to chapter 201, or 5.2 percent of all other  
121 taxes and fees imposed pursuant to this chapter or remitted  
122 pursuant to s. 202.18(1) (b) and (2) (b) shall be deposited in  
123 monthly installments into the General Revenue Fund.

124 2. After the distribution under subparagraph 1., 8.814  
125 percent of the amount remitted by a sales tax dealer located  
126 within a participating county pursuant to s. 218.61 shall be  
127 transferred into the Local Government Half-cent Sales Tax  
128 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
129 transferred shall be reduced by 0.1 percent, and the department  
130 shall distribute this amount to the Public Employees Relations  
131 Commission Trust Fund less \$5,000 each month, which shall be  
132 added to the amount calculated in subparagraph 3. and  
133 distributed accordingly.

134 3. After the distribution under subparagraphs 1. and 2.,  
135 0.095 percent shall be transferred to the Local Government Half-  
136 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
137 s. 218.65.

138 4. After the distributions under subparagraphs 1., 2., and  
139 3., 2.0440 percent of the available proceeds shall be  
140 transferred monthly to the Revenue Sharing Trust Fund for  
141 Counties pursuant to s. 218.215.

142 5. After the distributions under subparagraphs 1., 2., and  
143 3., 1.3409 percent of the available proceeds shall be  
144 transferred monthly to the Revenue Sharing Trust Fund for  
145 Municipalities pursuant to s. 218.215. If the total revenue to

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146 be distributed pursuant to this subparagraph is at least as  
147 great as the amount due from the Revenue Sharing Trust Fund for  
148 Municipalities and the former Municipal Financial Assistance  
149 Trust Fund in state fiscal year 1999-2000, no municipality shall  
150 receive less than the amount due from the Revenue Sharing Trust  
151 Fund for Municipalities and the former Municipal Financial  
152 Assistance Trust Fund in state fiscal year 1999-2000. If the  
153 total proceeds to be distributed are less than the amount  
154 received in combination from the Revenue Sharing Trust Fund for  
155 Municipalities and the former Municipal Financial Assistance  
156 Trust Fund in state fiscal year 1999-2000, each municipality  
157 shall receive an amount proportionate to the amount it was due  
158 in state fiscal year 1999-2000.

159 6. Of the remaining proceeds:

160 a. In each fiscal year, the sum of \$29,915,500 shall be  
161 divided into as many equal parts as there are counties in the  
162 state, and one part shall be distributed to each county. The  
163 distribution among the several counties must begin each fiscal  
164 year on or before January 5th and continue monthly for a total  
165 of 4 months. If a local or special law required that any moneys  
166 accruing to a county in fiscal year 1999-2000 under the then-  
167 existing provisions of s. 550.135 be paid directly to the  
168 district school board, special district, or a municipal  
169 government, such payment must continue until the local or  
170 special law is amended or repealed. The state covenants with  
171 holders of bonds or other instruments of indebtedness issued by  
172 local governments, special districts, or district school boards  
173 before July 1, 2000, that it is not the intent of this  
174 subparagraph to adversely affect the rights of those holders or

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 175 relieve local governments, special districts, or district school  
 176 boards of the duty to meet their obligations as a result of  
 177 previous pledges or assignments or trusts entered into which  
 178 obligated funds received from the distribution to county  
 179 governments under then-existing s. 550.135. This distribution  
 180 specifically is in lieu of funds distributed under s. 550.135  
 181 before July 1, 2000.

182 b. The department shall distribute \$166,667 monthly  
 183 pursuant to s. 288.1162 to each applicant certified as a  
 184 facility for a new or retained professional sports franchise  
 185 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
 186 monthly by the department to each certified applicant as defined  
 187 in s. 288.11621 for a facility for a spring training franchise.  
 188 However, not more than \$416,670 may be distributed monthly in  
 189 the aggregate to all certified applicants for facilities for  
 190 spring training franchises. Distributions begin 60 days after  
 191 such certification and continue for not more than 30 years,  
 192 except as otherwise provided in s. 288.11621. A certified  
 193 applicant identified in this sub-subparagraph may not receive  
 194 more in distributions than expended by the applicant for the  
 195 public purposes provided for in s. 288.1162(5) or s.  
 196 288.11621(3).

197 c. Beginning 30 days after notice by the Department of  
 198 Economic Opportunity to the Department of Revenue that an  
 199 applicant has been certified as the professional golf hall of  
 200 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
 201 shall be distributed monthly, for up to 300 months, to the  
 202 applicant.

203 d. Beginning 30 days after notice by the Department of

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 204 Economic Opportunity to the Department of Revenue that the  
 205 applicant has been certified as the International Game Fish  
 206 Association World Center facility pursuant to s. 288.1169, and  
 207 the facility is open to the public, \$83,333 shall be distributed  
 208 monthly, for up to 168 months, to the applicant. This  
 209 distribution is subject to reduction pursuant to s. 288.1169. A  
 210 lump sum payment of \$999,996 shall be made, after certification  
 211 and before July 1, 2000.

212 e. After notice by the Department of Economic Opportunity  
 213 to the Department of Revenue that the Department of Economic  
 214 Opportunity has approved a plan developed by the Florida  
 215 Institute of Technology pursuant to s. 288.9933 for establishing  
 216 a space exploration research laboratory, the department shall  
 217 distribute \$5 million annually to the Florida Institute of  
 218 Technology for establishing and operating a space exploration  
 219 research laboratory. This amount represents sales and use taxes  
 220 generated by visitor activity at the Kennedy Space Center and  
 221 the Cape Canaveral Air Force Station. The department must make  
 222 the distribution 60 days after such certification and continue  
 223 to make an annual distribution of the same amount on the  
 224 anniversary date of the initial distribution for 10 additional  
 225 years.

226 7. All other proceeds must remain in the General Revenue  
 227 Fund.

228 Section 3. 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)

14 March 2013

Meeting Date

Topic Space Exploration

Bill Number SB 1156  
*(if applicable)*

Name Stan Forron

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

Job Title \_\_\_\_\_

Address 1580 Waldo Palmer Lane

Phone (850) 414-7638

Tallahassee FL 32306  
City State Zip

E-mail sforron@spaceflorida.gov

Speaking:  For  Against  Information

Representing Space Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

MARCH 14, 2013  
Meeting Date

Topic SPACE EXPLORATION Bill Number 1156  
(if applicable)

Name FRANK KINNEY Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title V.P. FOR RESEARCH / FLORIDA INSTITUTE OF TECHNOLOGY

Address ~~██████████~~ 150 W. UNIVERSITY BLVD Phone \_\_\_\_\_  
Street

MELBOURNE, FL 32901 E-mail FRINNEY@FET.EDU  
City State Zip

Speaking:  For  Against  Information

Representing FLORIDA INSTITUTE OF TECHNOLOGY

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 and Veterans Affairs, Space, and Domestic Security

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BILL: SPB 7028

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

SUBJECT: Military Installations

DATE: March 12, 2013      REVISED: \_\_\_\_\_

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

---

**I. Summary:**

SPB 7028 amends the purpose and functions of the Military Base Protection Program (MBPP), within the Department of Economic Opportunity (DEO). The bill provides Legislative findings related to encroachment of military installations, specifies functions of the MBPP, and provides funding authority for the Board of Trustees of the Internal Improvement Trust Fund (Board) to acquire non-conservation lands to buffer a military base against encroachment.

The bill specifies functions of the MBPP to include:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP to include encroachment reduction or prevention. The bill authorizes DEO to submit a list annually to the Board to acquire non-conservation lands, and directs the Board to consider the recommendations of the Florida Defense Support Task Force in making determinations to acquire non-conservation lands. The bill authorizes the Board to acquire non-conservation lands from the list submitted by DEO for the purpose of buffering a military base against encroachment subject to a specific appropriation. The bill does not preclude the acquisition of such lands by local governments.

The bill substantially amends the following sections of the Florida Statutes: 288.980 and 253.025.

## II. Present Situation:

Florida is home to 20 major military installations and three unified combatant commands. Defense related spending is estimated to be responsible for nearly \$73.4 billion of the state's gross domestic product and over 758,000 jobs around the state. The average earnings per military job in Florida is just over \$77,241, which is well above the state average earnings-per-worker level.<sup>1</sup> Only tourism and agriculture contribute more to Florida's economy.

The Department of Defense (DoD) has completed implementation of the 2005 round of base realignments and closures, commonly referred to as "BRAC."<sup>2</sup> The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training. There have been five BRAC rounds between 1988 and 2005. During the 1993 round, four Florida bases were closed.<sup>3</sup>

As a result of the 2005 BRAC round, a U.S. Army Special Forces Group of approximately 3,000 soldiers was moved from Ft. Bragg, North Carolina to Eglin Air Force Base in Northwest Florida. Also, Eglin was selected to establish multi-service/multi-nation training facilities for the F-35 Joint Strike Fighter aircraft. In addition, the 2005 BRAC round brought the new Navy P-8 aircraft mission to Naval Air Station Jacksonville.

In 2008 the U.S. Navy, in a decision unrelated to the BRAC process, announced its intention to homeport one of its nuclear powered aircraft carriers to Naval Station Mayport in Jacksonville. This basing decision will have significant positive economic impact on the Jacksonville area, however, as all nuclear powered aircraft carriers are currently homeported in Norfolk, Virginia, the Virginia Congressional delegation is actively trying to prevent this move.

Due to constraints with the federal budget and the drawdown of troops overseas, the federal government is focusing on redefining the scope and structure of the U.S. military. While there has not yet been an official call for another BRAC round, federal budget cuts and restructuring have led to changes in the missions at military installations throughout the nation, including calls to reorganize the Air Armament Center at Eglin Air Force Base due to a larger Air Force-wide effort.

### Encroachment

Encroachment is a term used by DoD to refer to incompatible uses of land, air, water, and other resources in close proximity to a military installation. The Legislature has found that incompatible development of land close to military installations can adversely affect the ability of the installation to carry out its mission, threaten public safety if accidents are to occur near the military installation, and may also affect the economic vitality of a community when military

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<sup>1</sup> Enterprise Florida, Inc., Florida Defense Factbook 2013.

<sup>2</sup> See the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510, as amended through the National Defense Authorization Act of Fiscal Year 2003.

<sup>3</sup> During the 1993 BRAC round, Florida lost the Naval Aviation Depot Pensacola, the Naval Aviation Station Cecil Field Jacksonville, the Naval Training Center Orlando, and Homestead Air Force Base. Florida did not have any major DoD closures or realignments during the 1998, 1991, and 1995 BRAC rounds.

operations or missions must be relocated because of urban encroachment.<sup>4</sup> Also, from an environmental perspective, the loss of natural habitats through development on areas adjacent to military installations can negatively impact the biodiversity on military lands.<sup>5</sup>

At least 20 states, including Florida, in recent years have enacted land use-related laws to address encroachment concerns. The types of land use laws fall into three categories.

- Land Use Planning – requires local governments to include in their comprehensive plans criteria to be considered to ensure that land use adjacent to a military base is compatible with the military mission.
- Notification of Military – creates or expands procedural requirements to provide planning and zoning information to the military and creates a specific mechanism for the military to comment on how the proposed development or planning change affects the military mission.
- Land Conservation – allocates state resources for open space protection such as acquisition of title or development rights to land, or conservation easements or transfer of development rights to restore and preserve open space and farmland or protect land from incompatible development.<sup>6</sup>

Lands bordering a military installation may or may not possess conservation value. The lands that have conservation value are eligible to be acquired using the state lands funding mechanism known as the Florida Forever program (Florida Forever).<sup>7</sup> Those that do not have conservation value (non-conservation lands) are not eligible for Florida Forever.

The Florida Defense Support Task Force (Task Force)<sup>8</sup> has expressed a need to develop and support a state non-conservation encroachment prevention plan. The Task Force has initially identified five military installations that have incompatible land use issues that would benefit from such a plan. However, a program or source of funding does not exist at the state level to provide funding for non-conservation lands which are desired to buffer a military base.

## **Land Conservation**

### Florida Forever

The State of Florida has a history of land acquisition programs, each with differing goals, objectives and funding. Since 1963 there has been a series of land acquisition programs, including Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (EEL, 1972), Conservation and Recreation Lands (CARL, 1979), Save Our Rivers (SOR, 1981),

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<sup>4</sup> Section 163.3175, F.S.

<sup>5</sup> J. Douglas Ripley, Legal and Policy Background, United States Department of Defense, *Conserving Biodiversity on Military Lands, A Guide for Natural Resources Managers*, available at <http://www.dodbiodiversity.org/ch3/index.html>.

<sup>6</sup> The National Conference of State Legislatures, *Military Installations Sustainability (Updated June 18, 2010)*, provides the following states have enacted land-use related laws to address encroachment concerns: Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Nebraska, New Jersey, North Carolina, Oklahoma, South Carolina, South Dakota, Texas, Virginia, Washington, and Wisconsin, available at <http://www.ncsl.org/issues-research/env-res/military-installation-sustainability.aspx> (last visited March 5, 2013).

<sup>7</sup> Section 259.105, F.S.

<sup>8</sup> Section 288.987, F.S.

Save Our Coast (SOC, 1981), Florida Communities Trust (FCT, 1989), Preservation 2000 (P2000, 1990),<sup>9</sup> and Florida Forever.<sup>10</sup>

Florida Forever is Florida's premier conservation and recreation lands acquisition program. The "Florida Forever Act" was created by the Legislature in 1999<sup>11</sup> and authorized the issuance of not more than \$3 billion in bonds for land acquisition, water resource development projects, preservation and restoration of open space and greenways, and outdoor recreation purposes. Florida Forever acquisitions may be carried out through fee simple (absolute ownership), less-than-fee interest (ownership of development rights or conservation easements), or other techniques, and must be scientifically based on Florida's natural resources.

#### The Board of Trustees of the Internal Improvement Trust Fund

The Board of Trustees of the Internal Improvement Trust Fund (Board) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may inure to the state or any of its agencies, departments, boards, or commissions, with certain exceptions.<sup>12</sup> The Board is comprised of four trustees: the Governor; the Attorney General; the Chief Financial Officer; and, the Commissioner of Agriculture.<sup>13</sup>

The procedures for state land acquisitions, titles to which will vest in the Board, are provided in chapters 253 and 259, F.S., and rule 18-24, F.A.C. The Department of Environmental Protection (DEP), Division of State Lands performs staff duties and functions related to the acquisition, administration, and disposition of state lands, where title will be vested in the Board.

The lands that are owned by the Board include conservation lands (about 3.1 million acres) and non-conservation lands (about 200,000 acres) such as state hospitals, prisons, state and community colleges, office buildings, etc. The Board also owns land that is not for conservation purposes that is leased out for cattle grazing or other agricultural purposes.<sup>14</sup>

#### Land Acquisition Process

##### *Selection*

Under Florida Forever, the Acquisition and Restoration Council (ARC) is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board for approval. ARC is composed of ten voting members, four of whom are appointed by the Governor. The remaining members are the Secretary of DEP, director of the Division of Forestry

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<sup>9</sup> In 1979, the Conservation CARL program was established to preserve Florida's unique natural heritage. In 1990, Florida established the Preservation 2000 (P2000) program in an effort to protect Florida's water resources, wildlife habitat, recreational areas, wetlands, and forests from a rapidly growing population. The Florida Forever program was enacted as a successor program to P2000.

<sup>10</sup> Section 259.105, F.S.

<sup>11</sup> Ch. 99-247, Laws of Florida.

<sup>12</sup> Section 253.03, F.S.

<sup>13</sup> Section 259.03(2), F.S.

<sup>14</sup> E-mail correspondence. March 4, 2013, from Susan Grandin, Director, Division of State Lands, Department of Environmental Protection (on file with the Military and Veterans Affairs, Space, and Domestic Security Committee).

of the Department of Agriculture and Consumer Services, executive director of the Florida Wildlife Conservation Commission (FWCC), director of the Division of Historical Resources of the Department of State,<sup>15</sup> an appointment by the Commissioner of Agriculture; and an appointment by the FWCC.<sup>16</sup>

A list of proposed acquisitions is developed by ARC on an annual basis. The list includes acquisition applications that meet a combination of conservation goals. Applications are accepted from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals.<sup>17</sup> Priority is given to projects that were placed on previous land acquisition lists or for which matching funds are available. ARC is also directed to give increased priority to projects where the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.<sup>18</sup>

After the initial review, a project can only move forward with the approval of at least five ARC members. A Project Evaluation Report is prepared by the staff for ARC approval after a project is approved for full review. In preparing the Project Evaluation Report, DEP staff confirms or revises the information contained in the initial project application, provides a review of the natural resource and other application components to determine the number of Florida Forever criteria, goals and measures being met, confirms the project boundary as contained in the application, and includes a recommended manager for the project along with a management policy statement and a management prospectus.<sup>19</sup>

After a full review has been completed, the ARC develops a list of projects for consideration by the Board. At least five members of the ARC must vote to place a project on the Board's list. Projects of highest priority are on the "A" acquisition list. Projects that are not of the highest priority are ranked on the "B" acquisition list. Three sub-groups of projects are contained in both the "A" and "B" lists:

- Fee simple or large holdings;
- Multi-parcel or small holdings; and
- Less-than-fee acquisitions.

Prior to approval of the list by the board, ARC must submit a report with the list of proposed projects which outlines the following:

- The stated purpose of each included project;
- Costs to achieve the acquisition goals;
- An interim management budget;

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<sup>15</sup> Section 259.035(1)(b), F.S., authorizes the Secretary of Environmental Protection, the director of the Florida Forest Service of the Department of Agriculture and Consumer Services, the executive director of the Fish and Wildlife Conservation Commission, and the director of the Division of Historical Resources of the Department of State to appoint a designee in their place.

<sup>16</sup> Section 259.035, F.S.

<sup>17</sup> Section 259.105(7)(a), F.S.

<sup>18</sup> Section 259.105(10), F.S.

<sup>19</sup> James A. Farr, Ph.D., O. Greg Brock, Ph.D. Florida Department of Environmental Protection, *Florida's Landmark Programs for Conservation and Recreation Land Acquisition*, available at <http://www.dep.state.fl.us/lands/AcqHistory.htm> (last visited March 4, 2013).

- Specific performance measures;
- Plans for public access;
- Identification of the essential parcels within the project boundary;
- Identification of parcels, within each project boundary, which should be acquired by fee simple or less-than-fee simple methods;
- Identification of lands being acquired for conservation purposes;
- A management policy statement and a management prospectus;
- An estimate of land value;
- A map delineating the project boundaries;
- An assessment of the project's ecological, recreational, forest, and wildlife value as well as ownership patterns, utilization and location;
- Identification of alternative uses for the property and what those uses are; and
- A designation of the management agency or agencies.<sup>20</sup>

Upon receipt, the Board of Trustees must provide final approval of the Florida Forever acquisition list each year.<sup>21</sup> The Board may remove projects but may not add projects to the list or rearrange project rankings.

#### *Acquisition*

Once projects are approved for placement on the acquisition list by the Board, negotiations may begin with the individual property owners. Agents of the Negotiation Section within the Bureau of Land Acquisition negotiate full fee acquisitions, conservation easements and other less-than-fee transactions. The active process begins with an appraisal of value for the listed parcel and ends with an approximate six-week process wherein the acquisition is presented to the Board for approval.

Agents from the Closing Section within the Bureau of Land Acquisition prepare the transaction for conveyance to state ownership.<sup>22</sup>

The title to lands acquired under Florida Forever is vested in the Board, except that title to lands acquired by water management districts are vested in the name of that district and lands acquired by local governments are vested in the name of that local government.<sup>23</sup>

#### **Readiness and Environmental Protection Initiative**

The DoD Readiness and Environmental Protection Initiative (REPI)<sup>24</sup> provides the opportunity for cost-sharing partnerships between the military, private conservation groups, and state and local governments to protect military testing and training capabilities and conserve land. These partnerships acquire easements or other interests in land to limit incompatible development, and protect valuable open space and habitat around key test and training areas to support military

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<sup>20</sup> Section 259.105(15), F.S.

<sup>21</sup> Section 259.105(16), F.S.

<sup>22</sup> Section 259.041, F.S.

<sup>23</sup> Section 259.105(7)(c), F.S.

<sup>24</sup> 10 USC § 2684(A) (2003).

readiness. As such, REPI funds may be used to acquire either conservation or non-conservation lands.

The State of Florida has had a successful partnership with DoD for over ten years to acquire conservation lands around military bases that also serve as encroachment buffers. This has been made possible by matching Florida Forever with REPI funds. As of June 2012, using this method, DEP has acquired almost 37,000 acres that conserve natural resources and help protect the mission of the adjacent military base.<sup>25</sup>

### **Military Base Protection**

Section 288.980, F.S., establishes grant programs designed to aid defense-dependent communities throughout the state. The legislative intent of this section encourages communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal government relating to realignments and closures, recognizes the need for communities to develop and implement strategies to preserve and protect military installations, and recognizes that the state needs to coordinate all efforts that can support military installations through the state.<sup>26</sup>

This section also provides for the Military Base Protection Program (MBPP). The MBPP is authorized to use its funds to address emergent needs relating to mission sustainment and base retention. In addition, these funds may be used to match federal funds. The Department of Economic Opportunity (DEO) is directed to coordinate and implement this program.<sup>27</sup> However, funds appropriated under the MBPP are not specifically authorized to be used to combat encroachment. Furthermore, specific functions of the MBPP are not provided.

Defense grant programs are administered by the Florida Defense Alliance, an organization within Enterprise Florida, Inc.,<sup>28</sup> and funded by the Legislature to assist Florida's communities hosting defense industries, bases, and installations. DEO is authorized to award grants on a competitive basis through the Florida Defense Reinvestment Grant Program (DRG)<sup>29</sup> and the Florida Defense Infrastructure Grant Program (DIG).<sup>30</sup>

The DRG program provides communities hosting military installations with resources to support advocacy and military community relations. DRGs must be part of a plan to support the needs of an installation, or work in conjunction with defense-dependent communities in developing strategies that will help communities expand its non-defense economy, as appropriate. Activities may include studies, presentations, analyses, plans, marketing, modeling, and reasonable travel costs.<sup>31</sup> As such, DRG grants likely are not used for land acquisitions.

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<sup>25</sup> Minutes from the Florida Defense Support Task Force Meeting, 27 June 2012, available at <http://www.eflorida.com/fdstf/docs/meetings/Minutes/Meeting%20Minutes%20--%20June%2027.%202012.pdf>.

<sup>26</sup> Section 288.980(1)(a), F.S.

<sup>27</sup> Section 288.980(2), F.S.

<sup>28</sup> Section 288.980(1)(b), F.S., provides that the Florida Defense Alliance... shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc., and may receive funding for that purpose from DEO.

<sup>29</sup> Section 288.980(4), F.S.

<sup>30</sup> Section 288.980(5), F.S.

<sup>31</sup> The Florida Defense Alliance, *Grant Information*, available at <http://www.floridadefense.org/grants.asp>

The DIG program provides support for local infrastructure projects including those associated with encroachment, transportation and access, utilities, communications, housing, environment, and security that have a positive impact on an installation's military value. Infrastructure grants may also be used to conduct studies, develop presentations, analyses, plans, and modeling in direct support of infrastructure projects.<sup>32</sup> Since DIG provides support for several types of projects in addition to encroachment, funding may not be sufficient to meet the needs of Florida's encroachment concerns as a whole.

### III. Effect of Proposed Changes:

**Section 1** amends s. 288.980, F.S., to provide Legislative findings related to encroachment of military installations, specify functions of the MBPP, and provide funding authority for the Board of Trustees of the Internal Improvement Trust Fund (Board) to acquire, subject to a specific appropriation, non-conservation lands to buffer a military base against encroachment.

The bill specifies functions of the MBPP to include, but not be limited to:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP that funds be used to address emergent needs related to mission sustainment and base retention to include encroachment reduction or prevention.

The bill authorizes DEO to submit a list annually to the Board, to acquire non-conservation lands through fee simple purchase or through perpetual, less-than-fee interest in such lands, for the purpose of buffering a military base against encroachment.

In making determinations for the purchase of non-conservation lands to secure and protect a military installation against encroachment, the bill directs the Board to consider the recommendations of the Florida Defense Support Task Force.

**Section 2** amends s. 253.025, F.S., the section of law that authorizes the acquisition of state lands for purposes other than preservation, conservation, and recreation, to authorize the Board to acquire non-conservation lands from the list of non-conservation lands submitted to it from DEO, subject to a specific appropriation, for the purpose of buffering a military base against encroachment.

The bill does not preclude the acquisition of such lands by local governments through fee simple purchase or through perpetual, less-than-fee interest, for the purpose of buffering a military base against encroachment.

**Section 3** provides an effective date of July 1, 2013.

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

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill will likely have an insignificant fiscal impact on DEP.

**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.

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

583-01777B-13

20137028\_\_

1 A bill to be entitled  
 2 An act relating to military installations; amending s.  
 3 288.980, F.S.; providing legislative findings;  
 4 providing functions of the Military Base Protection  
 5 Program; authorizing the Department of Economic  
 6 Opportunity to annually recommend nonconservation  
 7 lands to acquire through fee simple purchase or less-  
 8 than-fee interest purchase to the Board of Trustees of  
 9 the Internal Improvement Trust Fund for the purpose of  
 10 preventing the encroachment of military installations;  
 11 requiring the board of trustees to also consider land  
 12 acquisition recommendations of the Florida Defense  
 13 Support Task Force; authorizing funds appropriated to  
 14 the Military Base Protection Program to be used for  
 15 land acquisition to prevent or reduce encroachment of  
 16 military installations; amending s. 253.025, F.S.;  
 17 authorizing the board of trustees to acquire certain  
 18 nonconservation lands to buffer a military  
 19 installation against encroachment; providing an  
 20 effective date.

21  
 22 Be It Enacted by the Legislature of the State of Florida:

23  
 24 Section 1. Subsections (1) and (2) of section 288.980,  
 25 Florida Statutes, are amended to read:

26 288.980 Military base retention; legislative intent; grants  
 27 program.—

28 (1)(a) It is the intent of this state to provide the  
 29 necessary means to assist communities with military

Page 1 of 4

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

583-01777B-13

20137028\_\_

30 installations in supporting and sustaining those installations.  
 31 It is further the intent to encourage communities to initiate a  
 32 coordinated program of response and plan of action in advance of  
 33 future actions of the federal government relating to  
 34 realignments and closures. It is critical that communities  
 35 develop and implement strategies to preserve and protect  
 36 military installations. The Legislature hereby recognizes that  
 37 the state needs to coordinate all efforts that can support  
 38 military installations throughout the state. The Legislature,  
 39 therefore, declares that providing such assistance to support  
 40 the defense-related initiatives within this section is a public  
 41 purpose for which public money may be used.

42 (b) The Florida Defense Alliance, an organization within  
 43 Enterprise Florida, Inc., is designated as the organization to  
 44 ensure that Florida, its resident military bases and missions,  
 45 and its military host communities are in competitive positions  
 46 as the United States continues its defense realignment and  
 47 downsizing. The defense alliance shall serve as an overall  
 48 advisory body for defense-related activity of Enterprise  
 49 Florida, Inc. The Florida Defense Alliance may receive funding  
 50 from appropriations made for that purpose administered by the  
 51 department.

52 (c) The Legislature finds that encroachment of military  
 53 installations has been identified by local, state, and federal  
 54 leaders as a critical issue in protecting, preserving, and  
 55 enhancing military installations in this state. Encroachment can  
 56 be detrimental to the current and future missions of military  
 57 installations due to the incompatible use of adjacent land. The  
 58 Legislature recognizes the unique need to secure lands that may

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

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59 present an encroachment threat to a military installation, but  
60 which has no conservation value.

61 (2) (a) The Military Base Protection Program is created. The  
62 function of the Military Base Protection Program includes, but  
63 is not limited to:

64 1. Securing nonconservation lands to serve as a buffer to  
65 protect military installations against encroachment; and

66 2. Supporting local community efforts to engage in service  
67 partnerships with military installations.

68 (b) The department may, pursuant to s. 253.025(18),  
69 annually submit a list to the Board of Trustees of the Internal  
70 Improvement Trust Fund of nonconservation lands to acquire,  
71 subject to a specific appropriation, through fee simple purchase  
72 or through perpetual, less-than-fee interest purchase, for the  
73 purpose of buffering a military base against encroachment. The  
74 Board of Trustees of the Internal Improvement Trust Fund shall  
75 also consider the recommendations of the Florida Defense Support  
76 Task Force, created in s. 288.987, when selecting  
77 nonconservation lands to purchase for the purpose of securing  
78 and protecting a military installation against encroachment.  
79 This paragraph does not preclude the acquisition of such lands  
80 through fee simple purchase or through perpetual, less-than-fee  
81 interest purchase, for the purpose of buffering a military base  
82 against encroachment by local governments.

83 (c) Funds appropriated to this program may be used to  
84 address emergent needs relating to mission sustainment,  
85 encroachment reduction or prevention, and base retention. All  
86 funds appropriated for the purposes of this program are eligible  
87 to be used for matching of federal funds. The department shall

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88 coordinate and implement this program.

89 Section 2. Subsection (18) is added to section 253.025,  
90 Florida Statutes, to read:

91 253.025 Acquisition of state lands for purposes other than  
92 preservation, conservation, and recreation.—

93 (18) The board of trustees may acquire nonconservation  
94 lands from the annual list submitted by the Department of  
95 Economic Opportunity pursuant to s. 288.980(2)(b) for the  
96 purpose of buffering a military base against encroachment.

97 Section 3. 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)

3/14/13

Meeting Date

Topic Non Conservation Encroachment

Bill Number SPB 7028.  
*(if applicable)*

Name Rocky McPherson

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

Job Title VP., Military & Defense, ZFI.

Address 1030 E. Lafayette St, #9  
*Street*

Phone 850 298 6652

Jallahassee, FL. 32309  
*City State Zip*

E-mail rmcpherson@florida.com.

Speaking:  For  Against  Information

Representing FL. Defense Support Task Force

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)

14 MAR 2013

Meeting Date

Topic ENCROACHMENT

Bill-Number SPB 7208  
*(if applicable)*

Name GLENN SUTPHIN

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

Job Title LEGISLATIVE DIRECTOR

Address Rm # 908 THE CAPITOL

Phone (850) 591-3079

Street

TALLAHASSEE

FL

32399

City

State

Zip

E-mail Glenn.Sutphin@US.ArmY.mil

Speaking:  For  Against  Information

Representing DMA

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:

Agriculture, *Vice Chair*  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on General  
Government  
Education  
Environmental Preservation and Conservation  
Military Affairs, Space, and Domestic Security

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR DWIGHT BULLARD**

39th District

March 14, 2013

Chairman Altman,

I am requesting to be excused from our Military Affairs, Space and Domestic Security meeting on Thursday, March 14, 2013 at 8:00 am.

I have a minor family emergency to tend to this morning.

Sincerely,

*Dwight M. Bullard*

State Senator, District 39

### REPLY TO:

- 10720 Caribbean Boulevard, #435, Cutler Bay, Florida 33189
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

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

Judge:

Started: 3/14/2013 8:04:53 AM

Ends: 3/14/2013 8:38:56 AM Length: 00:34:04

8:04:56 AM Meeting called to order by Chairman Altman  
8:05:06 AM Roll call by Administrative Assistant, Lois Graham  
8:05:24 AM Chairman Altman passes chair to Vice Chair Gibson  
8:05:32 AM TAB 1 SB 1124 presented by Chairman Altman  
8:06:30 AM Mike Prendergast waives in support, Dept. of Veterans' Affairs  
8:06:49 AM Senator Altman waives closure  
8:06:54 AM Roll call by Administrative Assistant, Lois Graham  
8:07:05 AM SB 1124 reported favorably  
8:07:18 AM TAB 2 SB 1156 presented by Chairman Altman  
8:09:45 AM Question from Vice Chair Gibson  
8:10:07 AM Response from Chairman Altman  
8:12:46 AM Frank Kinney, Florida Institute of Technology waives in support  
8:13:21 AM Chairman Altman waives closure  
8:13:28 AM Roll call by Administrative Assistant, Lois Graham  
8:13:33 AM SB 1156 passes favorably  
8:13:49 AM Vice Chair Gibson passes chair back to Chairman Altman  
8:14:03 AM Senator Abruzzo moves to vote favorably on SB 1124  
8:14:30 AM TAB 3 SPB 7028 presented by Staff Director, Elizabeth Ryon  
8:16:53 AM Question from Senator Gardiner  
8:17:17 AM Response from Chairman Altman  
8:17:25 AM Follow up question from Senator Gardiner  
8:17:41 AM Response from Chairman Altman  
8:21:22 AM Additional question from Senator Gardiner  
8:21:57 AM Response from Chairman Altman  
8:22:12 AM Rocky McPherson from Florida Defense Support Task Force speaks on bill  
8:24:03 AM Question from Senator Gardiner  
8:24:12 AM Response from Mr. McPherson  
8:24:29 AM Response from Mr. McPherson  
8:24:29 AM Question from Senator Gardiner  
8:24:36 AM Response from Mr. McPherson  
8:24:54 AM Comments from Senator Gardiner  
8:25:30 AM Question from Senator Gibson  
8:26:02 AM Response from Senator Gardiner  
8:26:29 AM Comments from Senator Gibson  
8:27:05 AM Response from Senator Gardiner  
8:27:41 AM Comments from Chairman Altman  
8:29:57 AM Comments from Mr. McPherson  
8:30:25 AM Comments from Chairman Altman  
8:30:54 AM Response from Mr. McPherson  
8:34:25 AM Question from Senator Dean  
8:34:33 AM Response from Mr. McPherson  
8:34:55 AM Comments from Chairman Altman

**8:36:32 AM** Senator Dean moves that SPB 7028 becomes a committee bill  
**8:37:33 AM** Roll call by Administrative Assistant, Lois Graham  
**8:37:41 AM** SPB 7028 reported favorably and submitted as committee bill  
**8:38:07 AM** Senator Evers moves to be shown favorable for SB 1124 and SB 1156  
**8:38:26 AM** Senator Sachs moves to be shown favorable for SB 1124 and SB 1156  
**8:38:29 AM** Comments from Chairman Altman  
**8:38:46 AM** Senator Gibson moves to rise