

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 Governmental Oversight and Accountability Committee

BILL: SB 2076

INTRODUCER: Military Affairs Committee

SUBJECT: Florida Defense Support Task Force

DATE: February 17, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carter	Carter	MS	Favorable
2.	Jenkins	Roberts	GO	Favorable
3.				
4.				
5.				
6.				

I. Summary:

The bill transfers the Florida Council on Military Base and Mission Support (council) to the Florida Defense Support Task Force (task force), including the council's statutory public records exemption. It repeals the statute that creates the council (s. 288.984, F.S.)

This bill substantially amends sections 163.3175, 288.985, and 288.987, and repeals section 288.984 of the Florida Statutes.

II. Present Situation:

Military and defense spending is one of the top contributors to Florida's overall economy at \$64 billion statewide.¹ The state is home to 21 military bases and missions, making defense Florida's third-largest job producer.² The Legislature established the council and task force to deal with recruiting, improving, and sustaining the significant military presence in Florida.

¹ 2010 Florida Defense Industry Economic Impact Analysis. Final Report. Volume 1, Prepared by the Haas Center for Business and Economic Development at the University of West Florida. Published January 2010. Available at: http://webcache.googleusercontent.com/search?hl=en&gbv=2&gs_sm=c&gs_upl=410911160910114281126124101101012501247110.8.611410&q=cache:-ADbCDD8pAkJ:http://www.floridadefense.org/documents/HAAS%20Study%202011/FLdefense_Volume_1.pdf+florida+defense+industry+economic+impact+analysis&ct=clnk

² Association of Defense Communities, Defense Communities 360, November 8, 2011
<http://www.defensecommunities.org/headlines/florida-task-force-to-defend-local-missions-embrace-military-families/#>

The federal base realignment and closure (BRAC) is a law that establishes the process which the Department of Defense (DoD) will use when determining which military installations will be closed and or realigned.³

The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction, and fund higher priority weapon platforms and troop training.⁴ The last round of BRAC was in 2005.

Defense Secretary Leon Panetta has announced that as part of the 2013 budget, the Pentagon will ask Congress for legislation that would establish a new BRAC.⁵

The Florida Council on Military Base and Mission Support

The Florida Council on Military Base and Mission Support (council) was created in 2009.⁶ The council provides oversight of the initiatives, claims, and actions taken on behalf of the state relating to future (BRAC) activities.

The mission of the council is to:

- Support and strengthen all United States Department of Defense missions and bases located in this state;
- Know the capabilities of all state military installations in order to understand and be supportive of future military growth opportunities in this state;
- Support local community efforts relating to mission support of a military base by acting as a liaison between the local communities and the Legislature; and
- Enhance Florida's defense economy.⁷

The council consists of 9 members that are appointed as follows:

- The President of the Senate shall appoint one member of the Senate, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.
- The Speaker of the House of Representatives shall appoint one member of the House of Representatives, one community representative from a community-based defense support organization, and one member who is a retired military general or flag-rank officer residing in this state or an executive officer of a defense contracting firm doing significant business in this state.
- The Governor shall appoint the executive director of the Department of Economic Opportunities (department) or the director's designee, a board member of Enterprise Florida, Inc., and one at-large member.⁸

³ The Defense Base Closure and Realignment of 1990 (1990 Base Closure Act), Public Law 101-510 established the process by which Department of Defense (DOD) installations would be closed and/or realigned.

<http://www.globalsecurity.org/military/facility/brac.htm>

⁴ Bill Analysis for CS/CS/SB 2322 by the Senate Ways and Means Committee, April 17, 2009, p2

⁵ *DoD, Capital Hill Square off for BRAC Fight*, Federal Times, 2/17/2012; available at <http://www.federaltimes.com/article/20120213/FACILITIES02/202130301/> (last visited 2/17/2012).

⁶ Section 288.984, F.S.

⁷ Section 288.984(1) (a)-(d), F.S.

The council received administrative support from the Governor's Office of Tourism, Trade, and Economic Development (OTTED) but has not received any specific funding since its inception. Each January, the council is required to submit a report to the Governor and the Legislature on its activities and provide recommendations. In the 2010 Annual Report of the council recommended the following:

- Dedicated funding for specific staffing for the council; and
- Funding request for \$50,000 to fund its operations, travel, and other necessities to accomplish its mission.⁹

The Florida Defense Support Task Force

The Legislature also created the Florida Defense Support Task Force.¹⁰ The purpose of the Florida Defense Support Task Force (task force) is to protect Florida's current military bases and commands and continue the state's long standing relationship with the Department of Defense by making Florida more military friendly. The task force received \$5 million in funding for last fiscal year.

The mission of the task force is to make recommendations to prepare the state to effectively compete in any federal base realignment and closure action, to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.¹¹

The composition of the task force of 13 members is as follows:

- The Governor or his or her designee;
- Four members appointed by the Governor;
- Four members appointed by the President of the Senate; and
- Four members appointed by the Speaker of the House of Representatives.

Appointed members must represent defense-related industries or communities that host military bases and installations. All appointments must be made by August 1, 2011. Members serve for a term of 4 years, with the first term ending July 1, 2015. However, if members of the Legislature are appointed to the task force, those members serve until the expiration of their legislative term and may be reappointed once. A vacancy must be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the council are eligible for reappointment. A member who serves in the Legislature may participate in all task force activities but may only vote on matters that are advisory.

The President of the Senate and the Speaker of the House of Representatives each designate one of their appointees to serve as chair of the task force. The chair must rotate each July 1. The appointee designated by the President of the Senate serves as initial chair. If the Governor,

⁸ Section 288.984(2) (a) 1-3, F.S.

⁹ Florida Council on Military Base and Mission Support, 2010 Annual Report, Recommendations Section

¹⁰ Section 288.987(1) F.S.

instead of his or her designee, participates in the activities of the task force, then the Governor shall serve as chair.

Method of Reorganization for the Executive Branch

Pursuant to s. 20.06, F.S., the executive branch of state government must be reorganized by transferring the specified agencies, programs, and functions to other specified departments, commissions, or offices. Such a transfer does not affect the validity of any judicial or administrative proceeding pending on the day of the transfer, and any agency or department to which are transferred the powers, duties, and functions relating to the pending proceeding must be substituted as a party in interest for the proceeding.

A type two transfer is the merging into another agency or department of an existing agency or department or a program, activity, or function thereof or, if certain identifiable units or subunits, programs, activities, or functions are removed from the existing agency or department, or are abolished, it is the merging into an agency or department of the existing agency or department with the certain identifiable units or subunits, programs, activities, or functions removed therefrom or abolished.¹² Any agency or department or a program, activity, or function transferred by a type two transfer has all its statutory powers, duties, and functions, and its records, personnel, property, and unexpended balances of appropriations, allocations, or other funds, except those transferred elsewhere or abolished, transferred to the agency or department to which it is transferred, unless otherwise provided.¹³ Unless otherwise provided, the head of the agency or department to which an existing agency or department or a program, activity, or function thereof is transferred is authorized to establish units or subunits to which the agency or department is assigned, and to assign administrative authority for identifiable programs, activities, or functions.¹⁴ Unless otherwise provided, the administrative rules of any agency or department involved in the transfer which are in effect immediately before the transfer remain in effect until specifically changed in the manner provided by law.¹⁵

III. Effect of Proposed Changes:

Section 1 of the bill creates a type two transfer of the authority, rights, responsibilities, rules and all other resources of the Florida Council on Military Base and Mission Support to the Florida Defense Support Task Force.

Section 2 of the bill amends s. 163.3175, F.S., to transfer the authority of the council to the task force to recommend to the Legislature changes to the military installations and local governments based upon a military base's potential for impacts from encroachment, and incompatible land uses and development.

Section 3 of the bill repeals s. 288.984, F.S., which established the council.

¹² Section 20.06(2), F.S.

¹³ Section 20.06(2)(a), F.S.

¹⁴ Section 20.06(2)(b), F.S.

¹⁵ Section 20.06(2)(c), F.S.

Section 4 of the bill amends s. 288.985, F.S., to transfer the public records and public meetings exemption from the council to the task force.

Section 5 of the bill amends s. 288.987, F.S., to give the executive director of the Department of Economic Opportunities, or his designee, status as a nonvoting ex officio executive director of the task force. It also provides for the Department of Economic Opportunities to contract with the task force for expenditure of appropriated funds to carry out its mission.

Section 6 of the bill provides an effective date of July 1, 2012.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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