

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/HB 221 — Recovery of Spaceflight Assets**

by Judiciary Committee; Criminal Justice & Public Safety Subcommittee; and Representative Sirois and others (CS/SB 936 by Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Wright)

CS/HB 221 protects space vehicles, their parts, and other “spaceflight assets” that have fallen to earth. Under the bill, “spaceflight assets” include any item or part of an item that is used in spaceflight activities, including launch and reentry.

The bill provides that a spaceflight entity retains ownership over a spaceflight asset until the entity expressly abandons ownership of the asset.

The bill prohibits a person to use a spaceflight asset that he or she finds. Instead, the person must report the asset’s location to law enforcement, which must make a reasonable effort to identify and contact the asset’s owner.

If a law enforcement officer determines that exigent circumstances require that a spaceflight asset’s owner enter private property to recover the asset, the officer may authorize the entry. Exigent circumstances include, without limitation, a situation in which failure to enter the property would result in immediate danger to public safety or destruction of the asset.

The bill provides that a person who finds a spaceflight asset and knowingly uses it or refuses to surrender it commits a first degree misdemeanor, punishable by imprisonment for 1 year or less and a fine not exceeding \$1,000. Moreover, the person must pay restitution to the owner.

Finally, the bill expressly provides that it “does not limit liability protection for private property under state or federal law.”

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 38-0; House 115-1*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **HB 231 — Services for Veterans and Their Families**

by Representative Zika and others (CS/SB 260 by Appropriations Committee and Senators Harrell, Wright, Rodriguez, Cruz, Stewart, Burgess, and Perry)

The bill creates the Florida Veterans' Care Coordination Program (program), to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse. Through the program, a veteran may call a separate veteran-dedicated support line to receive assistance and support from a trained, fellow veteran.

The bill authorizes the Florida Department of Veterans' Affairs (FDVA) to establish the program. If the FDVA does create the program, the FDVA may contract with a nonprofit entity that has statewide phone capacity and is accredited by both the Council on Accreditation and the National Alliance of Information and Referral Services. The contracting entity must enter into agreements with Florida 211 Network participants to provide services to veterans. In fulfilling an agreement, a 211 network participant may provide services in more than one geographic area under a single contract.

The bill models the program after the pilot program established in 2014 by the Crisis Center of Tampa Bay and the FDVA in Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties.

The bill specifies goals, services, and follow-up requirements. In addition to mental health and substance abuse services, a goal of the program is to prevent suicides by veterans.

The FDVA must compile data collected by the Florida 211 Network into a report for the Governor, President of the Senate, and Speaker of the House of Representatives by December 15, 2022.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 117-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/HB 327 — Public Records Exemption for Persons in Public Shelters**

by State Affairs Committee; Government Operations Subcommittee; and Representatives Rommel and Leek (CS/SB 418 by Governmental Oversight and Accountability Committee and Senator Burgess)

CS/CS/HB 327 exempts from public inspection and copying requirements the address and telephone number of a person who takes refuge at a public emergency shelter during a storm or catastrophic event.

The bill provides that the exemption created under the bill is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will be repealed on October 2, 2026, unless reviewed and saved from repeal by the Legislature.

As the bill itself states, the bill is necessary in order to limit the amount of privacy a person must forfeit by choosing to enter a shelter, and to protect a person from those who might seek to exploit their vulnerability following a catastrophic event.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-1; House 115-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/SB 416 — POW-MIA Vietnam Veterans Bracelet Memorial**

by Military and Veterans Affairs, Space, and Domestic Security Committee and Senators Burgess, Hooper, Bean, Harrell, Perry, Rodriguez, Gruters, Torres, Stewart, Gibson, Book, and Mayfield

The bill establishes the POW-MIA Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

The memorial will be funded and administered by the Big Bend Chapter 96, Vietnam Veterans of America, without state funding.

By July 1, 2022, the Department of Management Services (department) must identify and make available an appropriate area for construction and placement of the memorial in Tallahassee, specifically along South Monroe Street and on or near the premises of the Capitol Complex. The department will consult with the Vietnam Veterans of America and the Florida Historical Commission on the monument's design and placement.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 117-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **HB 435 — Veterans Employment and Training**

by Representative Sirois and others (SB 586 by Senators Wright, Perry, Stewart, and Farmer)

This bill designates Florida is for Veterans as the state's principal assistance organization under the United States Department of Defense's (department) SkillBridge program (program) for employers and transitioning servicemembers. Under the existing SkillBridge program, a servicemember is eligible to participate in his or her last 180 days of military service.

In its role under the program, Florida is for Veterans is required to:

- Establish and maintain its certification for either the Skillbridge program or a similar workforce training and transition program established by the department;
- Educate businesses, business associations, and transitioning servicemembers on the SkillBridge program and its benefits, and educate military command and personnel within the state on opportunities available to transitioning servicemembers through the program;
- Assist businesses in obtaining approval for skilled workforce training curricula under the program, including apprenticeships, internships, or fellowships; and
- Match transitioning servicemembers who are deemed eligible for program participation by their military command with training opportunities offered by Florida is for Veterans or participating businesses, with the intent of having transitioning servicemembers achieve gainful employment in the state upon completion of their training.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 118-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### CS/HB 873 — Military Affairs

by Local Administration and Veterans Affairs Subcommittee and Representative Giallombardo and others (SB 770 by Senator Burgess)

CS/HB 873 revises several provisions relating to courts-martial of the Florida National Guard (FLNG), modifies the minimum prior-service requirement for a candidate for Adjutant General or Assistant Adjutant General, and specifies that the Adjutant General is the commanding general of the FLNG with authority to convene a general or special courts-martial.

Regarding courts-martial, the bill provides:

- The Uniform Code of Military Justice and the Manual for Courts-Martial, together with ch. 250, F.S., is to be referred to as the Florida Code of Military Justice (FCMJ).
- Members of the FLNG are subject to discipline under the FCMJ while in civilian status; under current law, members are subject to discipline only for offenses committed during military status.
- A court-martial has subject matter jurisdiction over an offense if a nexus exists between an offense and the state military force, regardless of whether the offense is an offense under military law.
- A civilian court has jurisdiction over a nonmilitary offense of both the FCMJ and local criminal law.
- The military judge in a general or special court-martial must be qualified by attendance at Judge Advocate General school *or* be certified as qualified by the Adjutant General—current law requires both.
- Increased possible punishments in a general court-martial.
- Modified punishment options in special and summary courts-martial.

Additionally, the bill provides more nonjudicial punishment options, greater specificity for existing punishment options, and authorization for a commander to suspend punishment.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 118-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **SB 922 — Veterans' Preference in Employment**

by Senator Burgess

The bill expands the benefit of a veterans' preference in employment and also increases points used in appointment and retention determinations. In expanding the benefit of a veterans' preference, the bill authorizes a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment if the applicant is otherwise qualified. The education waiver applies to:

- A current member of a reserve component of the United States Armed Forces (U.S.A.F.);
- A current member of the Florida National Guard; or
- An honorably-discharged veteran.

As is the case for other veteran benefits in law, the education waiver is not available if the person is applying for a position designated as exempt. The bill, however, narrows the exemptions. A personal secretary of a public officer, a head of a department, and a position that requires licensure as a physician, osteopathic physician, or a chiropractic physician will now not be exempt from preference and priority requirements.

In increasing points used in appointment and retention determinations, the bill adds points used in assessing an applicant for employment of any given position as follows:

- From 15 to 20 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- From 10 to 15 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a service-connected disability; or a parent, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- From 5 to 10 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.

The bill requires, rather than authorizes under current law, a political subdivision of the state to develop a written veterans' recruitment plan.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 38-0; House 118-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/CS/HB 1069 — Public Records/Department of Military Affairs**

by State Affairs Committee; Government Operations Subcommittee; Local Administration and Veterans Affairs Subcommittee; and Representative Payne (CS/CS/SB 654 by Rules Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Bradley)

This bill makes exempt from public disclosure information held by the Department of Military Affairs that is stored in a Department of Defense system of records, transmitted using a Department of Defense network or communications device, or that pertains to the Department of Defense pursuant to the federal military cybersecurity law of 10 U.S.C. s. 394.

The bill identifies as sensitive military information held by the Department of Military Affairs information on military missions, units, personnel, deployments, and troop concentration.

In the required public necessity statement, the bill provides as justification for the exemption that it is a public necessity that this information be made exempt from disclosure as national security and the safety of military members could otherwise be adversely affected.

The bill is subject to the Open Government Sunset Review Act and will repeal on October 2, 2026 unless the exemption is saved from repeal by the Legislature before that date.

The public records exemption applies retroactively.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 116-0*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/CS/SB 1892 — Emergency Preparedness and Response Fund**

by Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Diaz

CS/CS/SB 1892 creates the Emergency Preparedness and Response Fund as a trust fund within the Executive Office of the Governor. Moneys specifically appropriated to the fund are available as a primary funding source for the Governor for purposes of preparing or responding to a disaster declared by the Governor as a state of emergency that exceeds regularly appropriated funding sources.

In accordance with Art. III, s. 19(f)(2), State Constitution, the Emergency Preparedness and Response Fund terminates on July 1, 2025, unless terminated sooner. Before the fund terminates, the Division of Emergency Management and the Governor must recommend to the Legislature whether to recreate the fund or allow it to terminate.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 37-0; House 113-1*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### CS/CS/SB 2006 — Emergency Management

by Rules Committee; Appropriations Committee; and Senator Burgess

The bill better equips Florida to address a pandemic or other public health emergency, prohibits requirements of COVID-19-vaccination documentation to access, enter, or receive service from businesses, governmental entities, and educational institutions, and protects Floridians from local orders that unnecessarily infringe rights or liberties in the name of addressing a purported emergency.

The bill requires state agencies to take the following actions to prepare for the next public health emergency:

- The Department of Health must create a state public health emergency management plan, and requires the Division of Emergency Management to incorporate that plan into the state's comprehensive emergency management plan; and
- The Division of Emergency Management must:
  - Maintain an inventory of state-owned personal protective equipment; and
  - Include provisions in its statewide emergency shelter plan to address sheltering during a pandemic that requires distancing.

The bill also provides additional transparency and legislative oversight of the executive branch's emergency powers. The bill:

- Limits emergency orders, proclamations, and rules to 60-day durations that can be renewed as long as the emergency conditions persist;
- Requires the Governor, if he or she closes schools or businesses, to state specific reasons why the schools or businesses need to close and reassess the closure regularly; and
- Authorizes the Legislature to pass a concurrent resolution to terminate orders and directives issued under a state of emergency, instead of just the state of emergency itself.

The bill also targets county and city emergency orders that address purported emergencies but that also infringe the rights or liberties of Floridians. To protect Floridians from these orders the bill:

- Requires the governmental entity imposing an ordinance or other measure that deprives a person of a right or liberty to prove that the measure is "narrowly tailored" to address a "compelling public health or safety purpose";
- Authorizes the Governor to invalidate an order that "unnecessarily restricts individual rights or liberties"; and
- Limits the duration of emergency orders to 7 days, with the option to renew the orders up to 5 times.

The bill also prohibits requirements of COVID-19-vaccination documentation to access, enter, or receive service from businesses, governmental entities, and educational institution. The bill

prohibits such entities from requiring Floridians to provide proof of vaccination or post-infection recovery from COVID-19 but does not restrict the use of screening protocols.

Finally, the bill includes several provisions to better address the financial strain that emergencies place on state and local government. Specifically the bill:

- Provides legislative intent that during an emergency, spending will first come from funds specifically appropriated to state and local agencies for disaster relief.
- Provides that the second recourse for funding is the newly created Emergency Response Fund.
- Provides that if additional funds are needed during an emergency beyond what is already appropriated in the new Emergency Response Trust Fund, the Governor can request additional funds by submitting a budget amendment through the LBC, requesting more funds in the Trust Fund.

These provisions take effect July 1, 2021, except where otherwise provided. (Ch. 2021-8, L.O.F.)

*Vote: Senate 23-15; House 78-36*

## Committee on Military and Veterans Affairs, Space, and Domestic Security

### **CS/HB 7023 — Veterans Treatment Court Programs**

by Judiciary Committee; Criminal Justice and Public Safety Subcommittee; and Representative Byrd and others (CS/CS/SB 764 by Criminal Justice Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Burgess)

This bill redesignates the Military Veterans and Servicemembers Programs as the Veterans Treatment Court Program. The bill authorizes courts to develop and operate a veterans treatment court with an emphasis on employing a nonadversarial approach to resolving an underlying cause of behavior. An underlying cause of behavior is a service-related mental illness, traumatic brain injury, substance use disorder, psychological problem, or military sexual trauma.

Like existing law, the program is open to a servicemember, veteran, and a current or former defense contractor or military member of a foreign allied country. However, the bill expands participation to include a member of Space Force.

The state attorney, in consultation with the court, will decide whether to admit a defendant into the program. Unlike the current program which is open to all veterans regardless of discharge status, the chief judge and state attorney of each circuit jointly decide whether to admit dishonorably discharged veterans.

The bill encourages the court to develop policies and procedures, including employing a nonadversarial approach; identifying participants early in the process; and engaging in partnerships among other veterans treatment courts, the United States Department of Veterans Affairs, the Florida Department of Veterans' Affairs, public agencies, and community-based organizations.

A Military Veterans and Servicemembers Court Program in operation as of June 30, 2021, is grandfathered in to continue as a Veterans Treatment Court Program but must comply with changes made under this bill.

If approved by the Governor, these provisions take effect July 1, 2021.

*Vote: Senate 40-0; House 117-0*