### The Florida Senate

**COMMITTEE MEETING EXPANDED AGENDA**

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

**Senator Gibson, Chair**

**Senator Broxson, Vice Chair**

**MEETING DATE:** Wednesday, March 22, 2017  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** Mallory Home Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Gibson, Chair; Senator Broxson, Vice Chair; Senators Bradley, Stargel, and Torres

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<th>BILL NO. and INTRODUCER</th>
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<tr>
<td>1</td>
<td>SB 1166</td>
<td>Honor and Remember Flag; Designating the Honor and Remember flag as an emblem of the state; authorizing that the flag be displayed at specified locations, on specified days, and in a specified manner; requiring displayed flags to be manufactured in the United States, etc.</td>
<td>Favorable Yeas 5 Nays 0</td>
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|     | Lee                     |                                               | MS 03/22/2017 Favorable  
|     | (Similar H 959)         |                                               | GO  
|     |                         |                                               | RC |
| 2   | SB 1224                 | Public Records and Public Meetings/Responses to Acts of Terrorism; Creating an exemption from public records requirements for portions of an emergency management plan which address a public or nonpublic postsecondary educational institution's response to an act of terrorism; creating an exemption from public records requirements for portions of an emergency management plan which address a public postsecondary educational institution's response to an act of terrorism and which are held by that institution; providing for future legislative review and repeal; providing statements of public necessity, etc. | Fav/CS Yeas 5 Nays 0 |
|     | Passidomo               |                                               | MS 03/22/2017 Fav/CS  
|     | (Similar H 1079)        |                                               | ED  
|     |                         |                                               | GO |
| 3   | SB 1588                 | Military and Veteran Support; Requiring the Department of Veterans' Affairs to create a website to streamline the procedure for businesses applying for certification as a veteran business enterprise; authorizing the Supreme Court to admit on motion a bar applicant who is the spouse of a servicemember stationed in this state under certain circumstances; requiring the Department of Education to expedite the processing of an application for educator certification submitted by a spouse of a servicemember stationed in this state, etc. | Fav/CS Yeas 5 Nays 0 |
|     | Latvala                 |                                               | MS 03/22/2017 Fav/CS  
|     | (Similar H 1235)        |                                               | JU  
<p>|     |                         |                                               | AP |</p>
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<td>4</td>
<td>SB 1734</td>
<td>Special License Plates; Providing for special license plates to be issued to Bronze Star or Bronze Star Combat recipients, etc.</td>
<td>Not Considered</td>
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<td>Rouson</td>
<td>(Compare CS/CS/H 545, S 1022)</td>
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Other Related Meeting Documents
I. **Summary:**

SB 1166 designates the Honor and Remember Flag as the state’s emblem of the service and sacrifice of the brave men and women of the U.S. Armed Forces who gave their lives in the line of duty. The bill authorizes the flag to be displayed at specified state-owned locations on certain days. The bill also authorizes local governments to display the flag.

The bill takes effect January 1, 2018.

II. **Present Situation:**

**Display of Flags**

*Flag of the United States*

Current law requires the flag of the United States to be displayed daily when the weather permits, from a staff upon the state capitol and upon each county courthouse. Additionally, the U.S. flag must be flown on election day at each polling place, at each publicly supported and controlled auditorium, the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution. Further guidance on the protocol and display of the U.S. flag is provided by the Florida Department of State.

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1 Section 256.01, F.S.
2 Sections 256.011, 256.11, and 1000.06, F.S.
State Flag of Florida

Section 256.015, F.S., directs the Governor to adopt a protocol on flag display. The protocol must provide guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens. The state flag must be displayed on the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution.

POW – MIA Flag

A POW-MIA flag must be displayed at each state-owned building at which the U.S. flag is displayed, if the POW-MIA flag is available free of charge to the agency that occupies the building and if such display is in accordance with federal laws and regulations. The Department of Transportation must display the flag year round at each rest area along an interstate highway in the state. Additionally, the Department of Environmental Protection must display the POW-MIA flag year round at each state park where the U.S. flag is displayed.

Firefighter Memorial Flag

The Division of State Fire Marshal of the Department of Financial Services is directed by law to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor firefighters who died in the line of duty. The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.

Honor and Remember Flag

The Honor and Remember Flag was created by the 501(c)3 charitable organization Honor and Remember, Inc., to serve as a visible reminder to all Americans of the U.S. military lives that have been lost in the defense and service of our national freedoms. The mission of the organization is to establish the Honor and Remember Flag as a nationally recognized flag.

The Honor and Remember Flag has been endorsed by various military veteran related organizations. Additionally, 21 states have adopted the Honor and Remember Flag as an

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5 Sections 256.032 and 1000.06, F.S.
6 Section 256.12, F.S.
7 Section 256.13, F.S.
8 Section 256.14, F.S.
9 Section 256.15, F.S.
10 Section 256.15(1), F.S.
12 Id.
official state symbol of remembrance. Twenty-two additional states, including Florida, have introduced legislation to adopt the flag as an official state symbol.

All sales of Honor and Remember Flag merchandise, to include the flag itself, and donations are applied to fulfilling the goals of the organization; encouraging congressional and state adoptions, national awareness and in particular, presenting families of the fallen with personalized flags.

III. Effect of Proposed Changes:

The bill designates the Honor and Remember Flag (flag) as the state’s emblem of the service and sacrifice of the brave men and women of the U.S. Armed Forces who gave their lives in the line of duty.

The bill authorizes the flag to be displayed at each state-owned building at which the U.S. flag is displayed; all state-owned military memorials; and any other state-owned location deemed appropriate. The bill also authorizes the flag to be displayed on the following days:

- Armed Forces Day, the third Saturday in May;
- Memorial Day, the last Monday in May;
- Flag Day, June 14;
- Independence Day, July 4;
- National POW-MIA Recognition Day, the third Friday in September;
- Veterans’ Day, November 11;
- Gold Star Mother’s Day, the last Sunday in September; and
- A day on which a member of the U.S. Armed Forces who is a resident of the state loses his or her life in the line of duty.

The flag may be displayed in a manner designed to ensure visibility to the public with no more than two addition flags when displayed together on a flagpole. Additionally, a flag displayed pursuant to the provisions of this bill must be manufactured in the U.S.

A local government may choose to display the flag at any local government building at which the U.S. flag is displayed and at any other local government location it deems appropriate.

The bill specifies that no more than two additional flags may be displayed on a flagpole with the Honor and Remember Flag. In addition, flags displayed pursuant to the bill must be manufactured in the U.S.

The bill takes effect on January 1, 2018.

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15 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 fiscal impact is indeterminate because the provisions of the bill are permissive.

VI. Technical Deficiencies:
    None.

VII. Related Issues:
     None.

VIII. Statutes Affected:
     This bill creates section 256.16 of the Florida Statutes.

IX. Additional Information:
   A. Committee Substitute – Statement of Changes:
      (Summarizing differences between the Committee Substitute and the prior version of the bill.)
      None.
B. Amendents:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled an act relating to the Honor and Remember flag; creating s. 256.16, F.S.; designating the Honor and Remember flag as an emblem of the state; authorizing that the flag be displayed at specified locations, on specified days, and in a specified manner; requiring displayed flags to be manufactured in the United States; authorizing local governments to display the flag; providing an effective date.

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

Section 1. Section 256.16, Florida Statutes, is created to read:

256.16 Honor and Remember flag.—
(1) The Honor and Remember Flag is designated as the state’s emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who have given their lives in the line of duty.
(2) The flag may be displayed:
(a) At the following locations:
1. Each state-owned building at which the United States flag is displayed.
2. All state-owned military memorials.
3. Any other state-owned location deemed appropriate.
(b) On the following days:
1. Armed Forces Day, the third Saturday in May.
2. Memorial Day, the last Monday in May.
(c) In a manner designed to ensure visibility to the public.
(d) With no more than two additional flags when displayed together on a flagpole.
(3) A flag displayed pursuant to this section must be manufactured in the United States.
(4) A local government may choose to display the flag in accordance with paragraphs (2)(b), (c), and (d) at any local government building at which the United States flag is displayed and at any other local government location it deems appropriate.

Section 2. This act shall take effect January 1, 2018.

CODING: Words struck are deletions; words underlined are additions.
To: Senator Gibson, Chair  
Committee on Military and Veterans Affairs, Space, and Domestic Security  

Subject: Committee Agenda Request  

Date: March 10, 2017  

I respectfully request that Senate Bill #1166, relating to the Honor and Remember Flag, be placed on the:  

☐ committee agenda at your earliest possible convenience.  
☒ next committee agenda.  

Senator Tom Lee  
Florida Senate, District 20  

File signed original with committee office
I. Summary:

CS/SB 1224 provides a public record exemption for portions of a plan addressing a public postsecondary institution’s response to an act of terrorism or other public safety crisis or emergency. The exemption applies to state agencies, law enforcement agencies, and public postsecondary institutions that hold such plans. The bill also provides a public meeting exemption for portions of a meeting where such plans are discussed.

The exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill contains a statement of public necessity as required by the State Constitution.

Because this bill creates a public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for passage.

The bill takes effect July 1, 2017.
II. Present Situation:

Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.\(^1\) This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.\(^2\)

In addition to the State Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.\(^3\) Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.\(^4\) The Public Records Act states that:

> it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.\(^5\)

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.\(^6\) The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”\(^7\) A violation of the Public Records Act may result in civil or criminal liability.\(^8\)

The Legislature may create an exemption to public records requirements.\(^9\) An exemption must pass by a two-thirds vote of the House and the Senate.\(^10\) In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.\(^11\)

\(^{1}\) FLA. CONST., art. I, s. 24(a).
\(^{2}\) Id.
\(^{3}\) The Public Records Act does not apply to legislative or judicial records. \textit{Locke v. Hawkes}, 595 So. 2d 32 (Fla. 1992). Also see \textit{Times Pub. Co. v. Ake}, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.
\(^{4}\) Public records laws are found throughout the Florida Statutes.
\(^{5}\) Section 119.01(1), F.S.
\(^{6}\) Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”
\(^{7}\) \textit{Shevin v. Byron, Hayter, Schaffer, Reid and Assoc. Inc.}, 379 So. 2d 633, 640 (Fla. 1980).
\(^{8}\) Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
\(^{9}\) FLA. CONST., art. I, s. 24(c).
\(^{10}\) Id.
\(^{11}\) Id.
exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.\textsuperscript{12}

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”\textsuperscript{13} Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” are not required to be made available for public inspection, but may be released at the discretion of the records custodian under certain circumstances.\textsuperscript{14}

\section*{Open Meetings Laws}

The State Constitution provides that the public has a right to access governmental meetings.\textsuperscript{15} Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.\textsuperscript{16} This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts or special districts.\textsuperscript{17}

The Florida Statutes also provide that governmental meetings must be open to the public. Section 286.011, F.S., which is also known as the ‘Government in the Sunshine Law,’\textsuperscript{18} or the ‘Sunshine Law’\textsuperscript{19} requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.\textsuperscript{20} The board or commission must provide the public reasonable notice of such meetings.\textsuperscript{21} A failure to abide by open meetings requirements will invalidate any resolution, rule or formal action adopted at a meeting.\textsuperscript{22} The minutes of a board or commission meeting also must be made available to the public.\textsuperscript{23} A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.\textsuperscript{24}

\begin{footnotesize}
\begin{enumerate}
\item \textit{Halifax Hosp. Medical Center v. New-Journal Corp.}, 724 So. 2d 567 (Fla. 1999). See also \textit{Baker County Press, Inc. v. Baker County Medical Services, Inc.}, 870 So. 2d 189 (Fla. 1st DCA 2004).
\item If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. \textit{WFTV, Inc. v. The School Board of Seminole}, 874 So. 2d 48 (Fla. 5th DCA 2004).
\item \textit{Williams v. City of Minneola}, 575 So. 2d 687 (Fla. 5th DCA 1991).
\item \textit{FLA. CONST.}, art. I, s. 24(b).
\item \textit{FLA. CONST.}, art. I, s. 24(b).
\item Meetings of the Legislature are governed by Article III, section 4(e) of the State Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”
\item \textit{Board of Public Instruction of Broward County v. Doran}, 224 So. 2d 693, 695 (Fla. 1969).
\item Section 286.011(1)-(2), F.S.
\item Section 268.011(1), F.S.
\item Section 286.011(1), F.S.
\item Section 286.011(2), F.S.
\item Section 286.011(3), F.S.
\end{enumerate}
\end{footnotesize}
The Legislature may create an exemption to open meetings requirements.\textsuperscript{25} An exemption must pass by a two-thirds vote of the House and the Senate.\textsuperscript{26} In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.\textsuperscript{27} A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.\textsuperscript{28}

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.\textsuperscript{29} The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.\textsuperscript{30}

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.\textsuperscript{31} An exemption serves an identifiable purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;\textsuperscript{32}
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;\textsuperscript{33} or
- It protects trade or business secrets.\textsuperscript{34}

The OGSR also requires specified questions to be considered during the review process.\textsuperscript{35} In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

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\textsuperscript{25} FLA. CONST., art. I, s. 24(c).
\textsuperscript{26} FLA. CONST., art. I, s. 24(c).
\textsuperscript{27} FLA. CONST., art. I, s. 24(c).
\textsuperscript{28} Halifax Hosp. Medical Center v. New-Journal Corp., 724 So. 2d 567 (Fla. 1999). In Halifax Hospital, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. \textit{Id.} at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. \textit{Id.} In \textit{Baker County Press, Inc. v. Baker County Medical Services, Inc.}, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The \textit{Baker County Press} court found that since the law did not contain a public necessity statement, it was unconstitutional. \textit{Id.} at 196.
\textsuperscript{29} Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.
\textsuperscript{30} Section 119.15(3), F.S.
\textsuperscript{31} Section 119.15(6)(b), F.S.
\textsuperscript{32} Section 119.15(6)(b)1., F.S.
\textsuperscript{33} Section 119.15(6)(b)2., F.S.
\textsuperscript{34} Section 119.15(6)(b)3., F.S.
\textsuperscript{35} Section 119.15(6)(a), F.S. The specified questions are:
- \textbf{1. What specific records or meetings are affected by the exemption?}
If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.\(^{36}\) If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are \textit{not} required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.\(^{37}\)

**Public Records Exemptions for Emergency Plans**

The primary public records exemptions applicable to emergency plans are those addressing agency investigations\(^{38}\) and a security system plan.\(^{39}\) These exemptions may apply to some, but not all emergency plans.

\textit{Agency Investigations (s. 119.071(2)(d), F.S.)}

The agency investigations exemption provides that any comprehensive policy or plan compiled by a criminal justice agency\(^{40}\) pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency\(^{41}\) are exempt and unavailable for inspection.\(^{42}\) This exemption generally applies to any criminal justice agency and does not distinguish between a state or local law enforcement agency level.\(^{43}\)

\textit{Security System Plan (s. 119.071(3)(a), F.S.)}

The exemption for a security system plan provides that such a plan or portion thereof for any property owned by or leased to the state or any of its political subdivisions, or any privately owned or leased property is exempt from the public records requirements. A security system plan includes:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof relating directly to the physical security of the facility or revealing security systems;
- Threat assessments conducted by any agency or any private entity;

\(^{36}\) FLA. CONST. art. I, s. 24(c).
\(^{37}\) Section 119.15(7), F.S.
\(^{38}\) See s. 119.071(2)(d), F.S.
\(^{39}\) See s. 119.071(3), F.S.
\(^{40}\) A criminal justice agency is any law enforcement agency, court, or prosecutor; any other agency charged by law with criminal law enforcement duties; any agency having custody of criminal intelligence information or criminal investigative information; or the Department of Corrections. See s. 119.011(4), F.S.
\(^{41}\) An emergency is any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. See s. 252.34(4), F.S.
\(^{42}\) Supra note 38.
\(^{43}\) This would include a certified law enforcement agency at a state university and subsequently the policies or plans held by those institutions. See e-mail correspondence from FDLE on March 9, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).
Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements; or
- Manuals for security personnel, emergency equipment, or security training.\(^{44}\)

**Emergency Planning**

Emergency planning is a fundamental pillar of emergency management that makes it possible for response agencies to manage the entire life cycle of a potential crisis.\(^{45}\) In concurrence with federal guidance, state and local emergency planning in Florida takes an all-hazards approach. As such, each plan produced is based on the premise that the consequences of disasters are the same regardless of the hazard,\(^{46}\) and most of the functions performed during emergencies are not hazard-specific.\(^{47}\)

**Comprehensive Emergency Management Plans**

The Florida Division of Emergency Management (FDEM) is required by s. 252.35, F.S., to prepare a state comprehensive emergency management plan (CEMP). The CEMP\(^{48}\) serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.\(^{49}\) The state CEMP is a general all-hazards plan and does not fall under the agency investigations or security system plan exemptions.\(^{50}\)

The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.\(^{51}\) Those provisions include:
- An evacuation component;
- A shelter component;
- A post-disaster response and recovery component;
- Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the FDEM;

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\(^{44}\) Section 119.071(3)(a)1., F.S.  
\(^{48}\) The state CEMP defines the responsibilities of the government, private, volunteer, and non-governmental organizations that comprise the State Emergency Response Team. The CEMP ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of the state’s residents and visitors. It is the plan to which Florida’s other disaster response plans are aligned. *Supra* note 40.  
\(^{50}\) FDEM, *Senate Bill 1224 Analysis* (March 6, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).  
\(^{51}\) Section 252.35(2)(a), F.S.
• A section addressing the need for coordinated and expeditious deployment of state resources, including the Florida National Guard;
• A section establishing a system of communications and warning;
• A section establishing guidelines and schedules for annual exercises; and
• Assignments for lead and support responsibilities to state agencies and personnel.\(^{52}\)

The CEMP is developed in coordination with members of the State Emergency Response Team\(^ {53}\) (SERT) that have emergency management responsibilities.\(^ {54}\) Members of the SERT also participate in an annual review of the CEMP to document changes in procedures, lessons learned, identification of improved capabilities, and deficiencies for corrective action.\(^ {55}\)

As part of the SERT, the Department of Education (DOE) and Board of Governors (BOG) of the State University System\(^ {56}\) each contribute to the state CEMP.

The Florida Department of Education and the Board of Governors require each Florida College System (FCS) institution\(^ {57}\) and state university,\(^ {58}\) respectively, to produce and maintain its own CEMP. The type and level of detail contained in a college or university’s CEMP and the official custodian of the CEMP would determine if portions of these plans may qualify for the agency investigations or security system plan public record exemptions.

Additionally, each county is required to establish and maintain an emergency management program and develop a county CEMP that is consistent with the state emergency management program and state CEMP.\(^ {59}\) Municipalities may also elect to establish an emergency management program and in doing so must comply with the guidelines for a county CEMP.\(^ {60}\) A county or municipality may choose to be more specific in portions of its CEMP.\(^ {61}\) The type and level of detail contained in a county or municipality’s CEMP would determine if portions of the plan may qualify for the security system plan public record exemption.\(^ {62}\)

**Continuity of Operations Plans**

Each state agency and facility, such as a prison, office building, or university, is required to have a disaster preparedness plan that is coordinated with the applicable local emergency management agency and approved by the FDEM.\(^ {63}\) This plan is known as a continuity of operations plan

\(^{52}\) Id.
\(^{53}\) The SERT is comprised of FDEM staff, other state agencies, private volunteer organizations, and non-governmental agencies. The state CEMP defines the responsibilities of each member of the SERT. Supra note 40 at 5.
\(^{54}\) Supra note 47 at 50.
\(^{55}\) Supra note 47 at 51.
\(^{56}\) See Fla. Board of Governors. Regulation 3.001(2)(b).
\(^{57}\) See e-mail correspondence from DOE on March 21, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).
\(^{58}\) Fla. Board of Governors. Regulation 3.001(2)(c).
\(^{59}\) Section 252.38(1)(a), F.S. The FDEM is required to adopt standards and requirements for county CEMPs, assist local governments in preparing and maintaining their CEMP’s, and periodically review local government CEMPs for consistency with the state CEMP and the standards and requirements adopted by the FDEM. See s. 252.35(2)(b), F.S.
\(^{60}\) Section 252.38(2), F.S.
\(^{61}\) Supra note 50.
\(^{62}\) Id.
\(^{63}\) Section 252.365(3), F.S.
(COOP). A COOP must outline a comprehensive and effective program to ensure the continuity of essential state functions under all circumstances. It must include, at a minimum, the following elements:

- Identification of essential functions, programs, and personnel;
- Procedures to implement the plan and personnel notification and accountability;
- Delegations of authority and lines of succession;
- Identification of alternative facilities and related infrastructure, including those for communications;
- Identification and protection of vital records and databases; and
- Schedules and procedures for periodic tests, training, and exercises.

As required in statute, the DOE maintains an agency COOP. The BOG maintains a COOP as well that contributes to the DOE’s agency COOP. Both the DOE and BOG require FCS institutions and state universities, respectively, to develop and maintain a COOP.

The FDEM considers the state COOP to be exempt under the security systems exemption in s. 119.071(3), F.S. Continuity of operations plans developed by state agencies and facilities, to include state colleges and universities, may also be exempt under this security systems public record exemption.

**Other Emergency Plans**

Emergency plans are not limited to a CEMP or a COOP. Plans such as a CEMP are often supported by a number of annexes or other plans and procedures. These documents may contain information addressing specific hazards or providing details on how an agency will respond to an emergency. Each plan would need to be analyzed individually to determine whether or not a public record exemption applies.

**III. Effect of Proposed Changes:**

CS/SB 1224 creates s. 1004.0962, F.S., to provide a public record exemption for portions of a plan addressing a public postsecondary institution’s response to an act of terrorism or other public safety crisis or emergency, and a public meeting exemption for portions of a public meeting where such plans are discussed.

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64 Section 252.365(3)(a), F.S.
65 Section 252.365(3)(b), F.S.
66 Supra note 56.
67 Supra notes 57 and 58.
68 Supra note 50.
69 See supra note 47 at 55. The state CEMP is supported by nine other plans and procedures and nine annexes.
Definitions

The bill defines the following terms:

“Campus emergency response” means a public postsecondary educational institution’s response to an act of terrorism, as defined in s. 775.30,70 or other public safety crisis or emergency.

“Campus emergency response plan” means a plan addressing a campus emergency response which includes information relating to:

- Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof;
- Threat assessments conducted by any agency or private entity;
- Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements;
- Manuals for security personnel, emergency equipment, or security training;
- Security systems or plans;
- Vulnerability analyses;
- Postdisaster activities, including provisions for emergency power, communications, food, and water;
- Postdisaster transportation;
- Supplies, including drug caches;
- Staffing;
- Emergency equipment; or
- Individual identification of students, faculty, and staff; the transfer of records; and methods of responding to family inquiries.

“Custodial agency” includes:

- A public postsecondary institution;
- A state or local law enforcement agency;
- A county or municipal emergency management agency;
- The Executive Office of the Governor;
- The Department of Education;
- The Board of Governors of the State University System; and
- The Division of Emergency Management.

Public Record and Public Meeting Exemptions

The bill provides that any portion of a campus emergency response plan addressing the items defined in the term “campus emergency response plan” that is held by a custodial agency is exempt from s. 119.07(1), F.S., and Article I, section 24(a) of the State Constitution. The public

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70 Section 775.30, F.S., defines terrorism as a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States that intends to intimidate, injure, or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government through destruction of property; assassination, murder, kidnapping, or aircraft piracy.
record exemption provided in the bill is remedial in nature and applies to plans held by a custodial agency before, on, or after the effective date of the bill.

Information made exempt by the bill may be disclosed to another government entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities, or upon showing of good cause before a court of competent jurisdiction.

The bill also provides that any portion of a public meeting which would reveal information related to a campus emergency response plan is exempt from s. 286.011, F.S. and Article I, section 24(b) of the State Constitution.

The public record and public meeting exemptions created by this bill are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides statements of public necessity as required by the State Constitution.

The bill provides an effective date of July 1, 2017.

IV. **Constitutional Issues:**

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

   None.

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

   **Vote Requirement**

   Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record and public meeting exemption; thus, it requires a two-thirds vote for final passage.

   **Public Necessity Statement**

   Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record and public meeting exemption and therefore includes a public necessity statement.
Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

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 may have a minimal fiscal impact on agencies responsible for complying with public records requests and redacting confidential and exempt information prior to releasing a record.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill defines “campus emergency response” to mean a public postsecondary education institution’s response to an act of terrorism or other public safety crisis or emergency. The Florida Statutes nor the bill define the term “public safety crisis.”

VIII. Statutes Affected:

This bill creates section 1004.0962 of the Florida Statutes.
IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on March 22, 2017:
The CS:
• Places the public records and meeting exemption in ch. 1004, F.S., as opposed to in ch. 250, F.S.;
• Defines the terms “campus emergency response,” “campus emergency response plan,” and “custodial agency;”
• Removes private postsecondary institutions from the bill;
• Broadens the exemption to include portions of a campus emergency response plan that address a public safety crisis or emergency;
• Expands the list of items addressed in a campus emergency response plan that are to be exempt from public disclosure;
• Makes certain custodial agencies exempt from public records laws rather than confidential and exempt;
• Allows exempt information to be disclosed to another governmental entity or upon showing of good cause before a court of competent jurisdiction.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Passidomo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 1004.0962, Florida Statutes, is created to read:

1004.0962 Campus emergency response of a public postsecondary educational institution; public records exemption; public meetings exemption.—

(1) As used in this section, the term “campus emergency
“response” means a public postsecondary education institution’s response to or plan for responding to an act of terrorism, as defined by s. 775.30, or other public safety crisis or emergency, and includes information relating to:

(a) Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof.

(b) Threat assessments conducted by any agency or private entity.

(c) Threat response plans.

(d) Emergency evacuation plans.

(e) Sheltering arrangements.

(f) Manuals for security personnel, emergency equipment, or security training.

(g) Security systems or plans.

(h) Vulnerability analyses.

(i) Postdisaster activities, including provisions for emergency power, communications, food, and water.

(j) Postdisaster transportation.

(k) Supplies, including drug caches.

(l) Staffing.

(m) Emergency equipment.

(n) Individual identification of students, faculty, and staff; the transfer of records; and methods of responding to family inquiries.

(2)(a) Any portion of a campus emergency response held by a public postsecondary institution is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Any portion of a campus emergency response held by a
state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The public records exemptions provided by this section are remedial in nature, and it is the intent of the Legislature that the exemptions apply to plans held by a custodial agency before, on, or after the effective date of this section.

(4) That portion of a public meeting which would reveal information related to a campus emergency response is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that those portions of a campus emergency response held by a public postsecondary educational institution which address the response of a public postsecondary educational institution to an act of terrorism and those portions of a campus emergency response of a public postsecondary institution which are filed or shared with a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.
State Constitution. It is also the finding of the Legislature that any portion of a public meeting which would reveal information related to a campus emergency response be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. A campus emergency response affects the health and safety of the students, faculty, staff, and the public at large. If campus emergency responses were made publicly available for inspection or copying, they could be used to hamper or disable the response of a public postsecondary educational institution to an act of terrorism, or other public safety crisis or emergency. If a public postsecondary educational institution’s response to these events were hampered or disabled, an increase in the number of Floridians subjected to fatal injury would occur. There is ample existing evidence of the capabilities of terrorists and other criminals to plot, plan, and coordinate complicated acts of terror and violence on university and college campuses all over the country. The aftermath of these events has also showed the importance of viable plans by which public postsecondary educational institutions can respond to terrorist attacks and other public safety crises or emergencies.

Section 3. This act shall take effect July 1, 2017.

================= T I T L E    A M E N D M E N T =================
And the title is amended as follows:
Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to public records and public meetings;
creating s. 1004.0962, F.S.; defining the term “campus emergency response”; providing an exemption from public records requirements for those portions of a campus emergency response which address the response of a public postsecondary educational institution to an act of terrorism or other public safety crisis or emergency; providing for retroactive application; providing an exemption from public meeting requirements for any portion of a public meeting which would reveal those portions of a campus emergency response which address the response of a public postsecondary educational institution to an act of terrorism or other public safety crisis or emergency; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Passidomo) recommended the following:

Senate Substitute for Amendment (322686) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 1004.0962, Florida Statutes, is created to read:

1004.0962 Campus emergency response of a public postsecondary educational institution; public records exemption; public meetings exemption.—
(1) As used in this section, the term:
(a) “Campus emergency response” means a public postsecondary educational institution’s response to an act of terrorism, as defined in s. 775.30, or other public safety crisis or emergency.
(b) “Campus emergency response plan” means a plan addressing a campus emergency response which includes information relating to:
1. Records, information, photographs, audio and visual presentations, schematic diagrams, surveys, recommendations, or consultations or portions thereof;
2. Threat assessments conducted by any agency or private entity;
3. Threat response plans;
4. Emergency evacuation plans;
5. Sheltering arrangements;
6. Manuals for security personnel, emergency equipment, or security training;
7. Security systems or plans;
8. Vulnerability analyses;
9. Postdisaster activities, including provisions for emergency power, communications, food, and water;
10. Postdisaster transportation;
11. Supplies, including drug caches;
12. Staffing;
13. Emergency equipment; or
14. Individual identification of students, faculty, and staff; the transfer of records; and methods of responding to family inquiries.
(c) “Custodial agency” includes:
1. A public postsecondary institution;
2. A state or local law enforcement agency;
3. A county or municipal emergency management agency;
4. The Executive Office of the Governor;
5. The Department of Education;
6. The Board of Governors of the State University System;
and
7. The Division of Emergency Management.

(2) Any portion of a campus emergency response plan addressing the items described in subparagraphs (1)(b)1.-14. held by a custodial agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) The public records exemption provided by this section is remedial in nature, and it is the intent of the Legislature that the exemption apply to portions of campus emergency response plans addressing the items described in subparagraphs (1)(b)1.-14. held by a custodial agency before, on, or after the effective date of this section.

(4) Information made exempt by this section may be disclosed:
   (a) To another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; or
   (b) Upon showing of good cause before a court of competent jurisdiction.

(5) Any portion of a public meeting which would reveal information related to a campus emergency response plan is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.
Constitution.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that those portions of a campus emergency response plan of a public postsecondary educational institution held by a custodial agency be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that it is a public necessity that any portion of a public meeting which would reveal information related to a campus emergency response plan be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. A campus emergency response affects the health and safety of the students, faculty, staff, and the public at large. If campus emergency response plans were made publicly available for inspection or copying, they could be used to hamper or disable a campus emergency response. If a campus emergency response were hampered or disabled, an increase in the number of Floridians subjected to fatal injury would occur. There is ample existing evidence of the capabilities of terrorists and other criminals to plot, plan, and coordinate complicated acts of terror and violence on university and college campuses all over the country. The aftermath of these events has also shown the importance of viable campus emergency response plans by which public postsecondary educational institutions can respond to terrorist attacks and other public safety crises or emergencies.
Section 3. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to public records and public meetings; creating s. 1004.0962, F.S.; defining terms; providing an exemption from public records requirements for a public postsecondary educational institution’s campus emergency response plan when held by specified custodial agencies; providing for retroactive application; authorizing disclosure of exempt information under specified circumstances; providing an exemption from public meetings requirements for any portion of a public meeting at which certain components of a campus emergency response plan are discussed; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.
A bill to be entitled
An act relating to public records and public meetings; creating s. 252.64, F.S.; creating an exemption from public records requirements for portions of an emergency management plan which address a public or nonpublic postsecondary educational institution’s response to an act of terrorism; authorizing disclosure under specified circumstances; creating an exemption from public records requirements for portions of an emergency management plan which address a public postsecondary educational institution’s response to an act of terrorism and which are held by that institution; providing for retroactive application; creating an exemption from public meetings requirements for any portion of a meeting at which a component of an emergency management plan which addresses a postsecondary educational institution’s response to an act of terrorism and which is held by that institution; providing for certification of the sufficiency of a plan’s response to an act of terrorism; providing for future legislative review and repeal; providing statements of public necessity; providing an effective date.

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

Section 1. Section 252.64, Florida Statutes, is created to read:

Section 252.64 Emergency management plan components addressing a postsecondary educational institution’s response to terrorism; public records and public meetings exemptions.—

(1)(a) Portions of a comprehensive emergency management plan which address the response of a public or nonpublic postsecondary educational institution to an act of terrorism, as defined by s. 775.30, which are held by the division, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Information made confidential and exempt by this subsection may be disclosed by a custodial agency to another state or a federal agency to prevent, detect, guard against, respond to, investigate, or manage the consequences of any attempted or actual act of terrorism or to prosecute those persons who are responsible for such attempts or acts.

(c) Portions of a comprehensive emergency management plan which address the response of a public or nonpublic postsecondary educational institution to an act of terrorism include those portions addressing:

1. Security systems or plans;
2. Vulnerability analyses;
3. Emergency evacuation transportation;
4. Sheltering arrangements;
5. Postdisaster activities, including provisions for emergency power, communications, food, and water;
6. Postdisaster transportation;
7. Supplies;
8. Staffing;
9. Emergency equipment; and
10. Individual identification of students, transfer of records, and methods of responding to family inquiries.

(2) Portions of a comprehensive emergency management plan which address the response of a public postsecondary educational institution to an act of terrorism, as defined by s. 775.30, held by that institution are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Portions of a comprehensive emergency management plan which address the response of a public postsecondary educational institution to an act of terrorism include those portions addressing items described in subparagraphs (1)(c)1.-10.

(3) The public records exemptions provided in this section are remedial in nature and apply to plans held by a custodial agency before, on, or after the effective date of this section.

(4) Any portion of a meeting at which information contained in a comprehensive emergency management plan addressing a postsecondary educational institution’s response to an act of terrorism is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(5) The certification by the Governor, in coordination with the Department of Education, of the sufficiency of a comprehensive emergency management plan that addresses the response of a postsecondary educational institution to an act of terrorism is not exempt.

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal.

The certification by the Governor, in coordination with the Department of Education, of the sufficiency of a comprehensive emergency management plan that addresses the response of a postsecondary educational institution to an act of terrorism and which are held by the Division of Emergency Management, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

The Legislature finds that it is a public necessity that portions of a comprehensive emergency management plan which address the response of a public or nonpublic postsecondary educational institution to an act of terrorism and which are held by the Division of Emergency Management, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that it is a public necessity that such portions of an emergency management plan be exempt from public records requirements when held by a public postsecondary educational institution. Portions of an emergency management plan which address a postsecondary educational institution’s response to an act of terror are vital plan components affecting the health and safety of the community that the institution serves. If details regarding security systems or plans, vulnerability analyses, emergency evacuation transportation, sheltering arrangements, postdisaster activities, postdisaster transportation, supplies, staffing, emergency equipment, and methods of individual notification were made publicly available for inspection and copying, they could be used to hamper or disrupt the institution’s response to a terror attack and potentially result in an increased number of injuries or fatalities. The availability of such information could aid terrorists in plotting, planning, and coordinating an act of terror impacting a postsecondary educational institution.

The harm that would result from the release of such information through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that portions of a comprehensive emergency management plan which address the response of a public or nonpublic postsecondary educational institution to an act of terrorism and which are held by the Division of Emergency Management, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

The harm that would result from the release of such information through reenactment by the Legislature.

The certification by the Governor, in coordination with the Department of Education, of the sufficiency of a comprehensive emergency management plan that addresses the response of a postsecondary educational institution to an act of terrorism and which are held by the Division of Emergency Management, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

The Legislature also finds that it is a public necessity that such portions of an emergency management plan be exempt from public records requirements when held by a public postsecondary educational institution. Portions of an emergency management plan which address a postsecondary educational institution’s response to an act of terror are vital plan components affecting the health and safety of the community that the institution serves. If details regarding security systems or plans, vulnerability analyses, emergency evacuation transportation, sheltering arrangements, postdisaster activities, postdisaster transportation, supplies, staffing, emergency equipment, and methods of individual notification were made publicly available for inspection and copying, they could be used to hamper or disrupt the institution’s response to a terror attack and potentially result in an increased number of injuries or fatalities. The availability of such information could aid terrorists in plotting, planning, and coordinating an act of terror impacting a postsecondary educational institution.

The harm that would result from the release of such information through reenactment by the Legislature.

Section 2. (1) The Legislature finds that it is a public necessity that portions of a comprehensive emergency management plan which address the response of a public or nonpublic postsecondary educational institution to an act of terrorism and which are held by the Division of Emergency Management, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, or the Department of Education be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that it is a public necessity that such portions of an emergency management plan be exempt from public records requirements when held by a public postsecondary educational institution. Portions of an emergency management plan which address a postsecondary educational institution’s response to an act of terror are vital plan components affecting the health and safety of the community that the institution serves. If details regarding security systems or plans, vulnerability analyses, emergency evacuation transportation, sheltering arrangements, postdisaster activities, postdisaster transportation, supplies, staffing, emergency equipment, and methods of individual notification were made publicly available for inspection and copying, they could be used to hamper or disrupt the institution’s response to a terror attack and potentially result in an increased number of injuries or fatalities. The availability of such information could aid terrorists in plotting, planning, and coordinating an act of terror impacting a postsecondary educational institution.

The harm that would result from the release of such information through reenactment by the Legislature.
substantially outweighs any public benefit that would be achieved by disclosure.

(2) The Legislature further finds that it is a public necessity that portions of meetings at which information contained in a comprehensive emergency management plan addressing a postsecondary educational institution’s response to an act of terrorism is discussed be exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The failure to close portions of meetings at which such information is discussed would defeat the purpose of the public records exemption.

Section 3. This act shall take effect July 1, 2017.
To: Senator Audrey Gibson, Chair
   Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 6, 2017

I respectfully request that Senate Bill #1224, relating to Public Records and Public Meetings/Responses to Acts of Terrorism, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Kathleen Passidomo
Florida Senate, District 28
I. Summary:

CS/SB 1588 contains provisions relating to rental housing for military servicemembers, veteran-owned businesses, employment of military spouses, and student veteran support. Specifically, the bill:

- Requires expedited processing of a housing rental application, if required, for a military servicemember’s spouse and other adult dependents who plan to reside with the servicemember;
- Directs the Florida Department of Veterans Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise;
- Provides that the Supreme Court of Florida may admit the spouse of a military servicemember to practice law in this state given that the Florida Board of Bar Examiners certifies that the spouse meets certain requirements;
- Requires the Department of Education to expedite the processing of an application for educator certification submitted by the spouse of a military servicemember; and
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

The bill takes effect July 1, 2017.
II. Present Situation:

Rental Housing Applications for Military Servicemembers

In 2016, the Legislature created s. 83.683, F.S., that provides that if a landlord requires a prospective tenant to complete a rental application before residing in a rental unit, the landlord must complete processing of such rental application within 7 days, if the prospective tenant is a military servicemember. This provision also applies to condominium associations, cooperative associations, and homeowners associations.

Florida Veteran Business Enterprise Opportunity Act

The Florida Veteran Business Enterprise Opportunity Act\(^1\) exists to rectify the economic disadvantage of service-disabled veterans\(^2\) and to recognize wartime veterans\(^3\) for their sacrifices. The Department of Management Services (DMS) Office of Supplier Diversity (OSD) in partnership with the Florida Department of Veterans’ Affairs (FDVA) administering the Veteran Business Enterprises (VBE) program. The DMS is responsible for working with the FDVA to establish a certification procedure and either granting, denying, revoking the certification of a VBE. Responsibilities of the FDVA include:

- Assisting the DMS in establishing a certification procedure, which shall be reviewed biennially and updated as necessary;
- Identifying eligible veteran business enterprises by any electronic means, including electronic mail or Internet website, or by any other reasonable means; and
- Encouraging and assisting eligible veteran business enterprises to apply for certification under this section.

The application process for a VBE requires a business to register as a vendor on the My Florida Market Place, which serves as the state’s procurement website, and submit the required documentation to the OSD.\(^4\) 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;
- Has a net worth of $5 million or less;
- Is domiciled in this state;
- Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans; 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.

\(^1\) Section 295.187, F.S.
\(^2\) A service-disabled veteran is defined as 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. See s. 295.187(3)(b), F.S.
\(^3\) A wartime veteran is a veteran that served in a campaign or expedition for which a campaign badge has been authorized or during a specified period of wartime service. See s. 295.187(3)(d), F.S.
Certification as a VBE by the OSD is valid for a two-year period after which the business must renew its certification. Currently, a VBE can renew its certification online through the DMS website. During fiscal year 2015-2016, there were 440 Florida businesses with a current certification as a VBE.

Pursuant to s. 295.187, F.S., a VBE is entitled to vendor preference. Vendor preference requires 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, which are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified VBE.

**Admission to Practice Law in Florida**

Article V, section 15 of the State Constitution provides that the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted. The requirements and procedures for admission to The Florida Bar are established in the Rules of the Supreme Court Relating to Admissions to the Bar (rules), which are administered by the Florida Board of Bar Examiners.

Persons seeking admission to The Florida Bar must meet the character and fitness qualifications set forth by the rules, file the appropriate applications and fees, and comply with the rules governing background investigations and the bar examination. To be qualified for admission to The Florida Bar, an applicant must produce satisfactory evidence of good moral character, an adequate knowledge of the standards and ideals of the profession, and proof that the applicant is otherwise fit to take the oath and to perform the obligations and responsibilities of an attorney.

An applicant must also sit for the Florida Bar Examination (exam). The exam consists of two components to include the General Bar Examination and the Multistate Professional Responsibility Examination (MPRE). To be considered for admission to The Florida Bar, an applicant must produce satisfactory evidence of technical competence by passing all parts of the exam. Additionally, the applicant must hold a bachelor of laws or doctor of jurisprudence from an accredited law school.

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7 Other benefits available to VBEs and other certified business enterprises, including women and minority-owned businesses, include: 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.
8 Fla. Const. art. V, s. 15
12 Fla. Bar Admiss. R. 4-11.
Currently, a spouse of a military servicemember is not permitted to practice law in this state without meeting all of the requirements established in the rules. On February 1, 2017, the Florida Board of Bar Examiners filed a petition with the Supreme Court of Florida to amend the rules proposing a new subchapter authorizing military spouses to practice law in Florida under certain circumstances.15

**Florida Educator Certification**

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).16 Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.17 The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”18

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification. The professional certificate is valid for five years and is renewable.19
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required. The temporary certificate is valid for three years and is nonrenewable.20
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.21

A person seeking an educator certificate must submit an application to the DOE and remit the required fee.22 Within 90 calendar days of receiving a completed application, the DOE must issue a professional or temporary certificate, depending on the applicant’s qualifications. If the applicant does not meet the requirements for a professional or temporary certificate, the DOE must provide a statement of eligibility that advises the applicant of any qualifications that must be completed to qualify for certification.

To be eligible for an educator certificate, a person must:23

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;

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16 Sections 1012.55(1) and 1002.33(12)(f), F.S.
17 Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.
18 Section 1012.54, F.S.
19 Section 1012.56(7)(a), F.S.
20 Section 1012.56(7), F.S.
21 Section 1012.55(2), F.S.
22 Section 1012.56(1), F.S.
23 Section 1012.56(2)(a)-(f), F.S.
Earn a bachelor’s or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor’s or higher degree;

Submit to fingerprinting and background screening and not have a criminal history that requires the applicant’s disqualification from certification or employment;

Be of good moral character; and

Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;\(^{24}\)
- Demonstrate mastery of general knowledge;\(^{25}\)
- Demonstrate mastery of subject area knowledge;\(^{26}\) and
- Demonstrate mastery of professional preparation and education competence.\(^{27}\)

A three-year nonrenewable temporary certificate\(^{28}\) may be issued to an applicant who does not qualify for the professional certificate, but meets the basic eligibility requirements for certification\(^{29}\) and:

- Obtains full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a professional education competence demonstration program;\(^{30}\) and
- Demonstrates mastery of subject area knowledge.\(^{31}\)

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge\(^{32}\) within one calendar year after employment in order to remain employed in a position that requires a certificate.\(^{33}\) The DOE may extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the mastery of general knowledge requirement, are not completed due to serious illness or injury of the applicant or other extraordinary extenuating circumstances.\(^{34}\)

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\(^{24}\) Section 1012.56(2)(a)-(f), F.S.


\(^{26}\) Section 1012.56(2)(h), F.S.


\(^{28}\) Section 1012.56 (7)(b), F.S.

\(^{29}\) Section 1012.56(2)(a)-(f) and (7)(b), F.S.

\(^{30}\) Section 1012.56(1)(b), F.S.

\(^{31}\) Section 1012.56(5), F.S.

\(^{32}\) Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the Florida General Knowledge Test or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (*e.g.*, the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination). See s. 1012.56(3), F.S.

\(^{33}\) Section 1012.56(7), F.S.

\(^{34}\) Id.
Veterans’ Training and Coursework

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.\(^{35}\) In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as provided by law and appoints the Commissioner of the Department of Education.

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.\(^{36}\)

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System (SUS).\(^{37}\) The SUS enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.\(^{38}\)

College Credit for Military Training and Education

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.\(^{39}\) Accordingly, Board of Governors Regulation 6.013 and Rule 6A-14.0302 of the Florida Administrative Code, require all Florida universities and colleges, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such military training and education must be recognized by the American Council on Education (ACE).

Priority Course Registration for Veterans

Section 1004.075, F.S., requires each Florida College System institution and state university to provide priority course registration for veterans receiving GI Bill benefits if the institution offers priority course registration for any segment of the student population.\(^{40}\) Additionally, a spouse or

\(^{35}\) Section 1001.02(1), F.S.


\(^{38}\) Id.

\(^{39}\) Chapter 2012-169, Laws of Fla.

\(^{40}\) Chapter 2012-159, Laws of Fla.
dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.\textsuperscript{41}

\textbf{III. Effect of Proposed Changes:}

\textbf{Section 1} amends s. 83.683, F.S., to provide that the current requirement for a landlord to process a housing rental application from a military servicemember within seven days also applies to the servicemember’s spouse or any adult dependents of the servicemember who are to reside in the same rental unit. The extension of this provision also applies to condominium associations, cooperative associations, and homeowners associations.

\textbf{Section 2} amends s. 295.187, F.S., to direct the Florida Department of Veterans’ Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise.

\textbf{Section 3} amends s. 454.021, F.S., to provide that the Supreme Court of Florida may admit the spouse of a military servicemember, as defined in s. 250.01, F.S., to practice law in this state given that he or she is certified by the Florida Board of Bar Examiners. Certification by the board is contingent on the applicant:

\begin{itemize}
  \item Registering in the Defense Enrollment Eligibility Report System established by the U. S. Department of Defense;
  \item Holding a juris doctor or bachelor of laws from a law school accredited by the American Bar Association;
  \item Being licensed to practice law in another state, the District of Columbia, or a territory of the U.S. after having passed a written exam;
  \item Establishing that he or she is a member in good standing in all jurisdictions where licensed to practice law and that he or she is not currently subject to discipline or a pending disciplinary matter relating to the practice of law;
  \item Demonstrating his or her presence in this state as the spouse of a servicemember; and
  \item Otherwise fulfilling all requirements for admission to practice law in this state.
\end{itemize}

The Supreme Court of Florida may specify circumstances under which the license and authorization for a military spouse to practice law in this state terminates.

\textbf{Section 4} amends s. 1012.56, F.S., to require the Florida Department of Education (DOE) to expedite the processing of an application for an educator certificate submitted by the spouse of a military servicemember.\textsuperscript{42} The DOE must process the application and issue a professional or temporary educator certificate or a statement of status of eligibility within 60 calendar days after receiving the completed application. Current law requires the DOE to process an application for an educator certificate within 90 calendar days for all applicants.

The bill also requires the State Board of Education to adopt rules to allow the DOE to extend the validity period of a temporary educator certificate for two years if an applicant fails to meet the

\textsuperscript{41} Id.

\textsuperscript{42} The term servicemember is defined in s. 250.01, F.S., as any person serving as a member of the United States Armed forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.
requirements for the professional certificate due to the fact that the applicant is the spouse of a servicemember stationed in this state. Current law allows the DOE to extend the validity period of a temporary educator certificate for two years because of serious illness or injury or other extraordinary extenuating circumstances.

**Section 5** provides legislative intent regarding the provision of college credit for military training and coursework and other services to student veterans. The bill provides that it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to do the following:

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the USDVA, and other federal and state agencies, and private entities.
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

**Section 6** provides an effective date of July 1, 2017.

**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:**

Under Article V, section 15 of the State Constitution, the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted. The bill states that the Supreme Court may admit the spouse of a military servicemember, as defined in s. 250.01, F.S., to practice law in this state given that the Florida Board of Bar Examiners certifies that he or she meets certain requirements. Because the bill does not require the Supreme Court to admit any person to the practice of law in this state, the bill does not intrude on the Supreme Court’s authority.
V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 2 of the bill requires the Florida Department of Veterans’ Affairs (FDVA) to create a website for businesses to apply for certification as a Veteran Business Enterprise. The cost for the FDVA to create such website is unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.683, 295.187, 454.021, and 1012.56. The bill also creates undesignated sections of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on March 22, 2017:

The CS provides that the requirement for a landlord, condominium association, cooperative association, and homeowners association to process a housing rental application from a military servicemember within seven days of submission also applies to the servicemember’s spouse or any adult dependents of the servicemember who are to reside in the same rental unit.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Before line 29
insert:

Section 1. Section 83.683, Florida Statutes, is amended to read:

83.683 Rental application by a servicemember.—

(1) If a landlord requires a prospective tenant to complete a rental application before residing in a rental unit, the landlord must complete processing of a rental application
submitted by a prospective tenant who is a servicemember, as defined in s. 250.01, within 7 days after submission and must, within that 7-day period, notify the servicemember in writing of an application approval or denial and, if denied, the reason for denial. If the landlord requires the servicemember’s spouse or any adult dependents of the servicemember who are to reside in the same rental unit to submit a rental application, the landlord must process those applications within the same 7-day period. Absent a timely denial of the rental application, the landlord must lease the rental unit to the servicemember if all other terms of the application and lease are complied with.

(2) If a condominium association, as defined in chapter 718, a cooperative association, as defined in chapter 719, or a homeowners’ association, as defined in chapter 720, requires a prospective tenant of a condominium unit, cooperative unit, or parcel within the association’s control to complete a rental application before residing in a rental unit or parcel, the association must complete processing of a rental application submitted by a prospective tenant who is a servicemember, as defined in s. 250.01, within 7 days after submission and must, within that 7-day period, notify the servicemember in writing of an application approval or denial and, if denied, the reason for denial. If the association requires the servicemember’s spouse or any adult dependents of the servicemember who are to reside in the same unit or parcel to submit a rental application, the association must process those applications within the same 7-day period. Absent a timely denial of the rental application, the association must allow the unit or parcel owner to lease the rental unit or parcel to the servicemember and the landlord must
lease the rental unit or parcel to the servicemember if all other terms of the application and lease are complied with.

(3) The provisions of this section may not be waived or modified by the agreement of the parties under any circumstances.

And the title is amended as follows:

Between lines 2 and 3

insert:

amending s. 83.683, F.S.; requiring landlords, condominium associations, cooperative associations, and homeowners’ associations that require a servicemember’s spouse or certain adult dependents to submit a rental application to complete the processing of the application of within a specified timeframe;
A bill to be entitled
An act relating to military and veteran support;
amending s. 295.187, F.S.; requiring the Department of
Veterans’ Affairs to create a website to streamline
the procedure for businesses applying for
certification as a veteran business enterprise;
amending s. 454.021, F.S.; authorizing the Supreme
Court to admit on motion a bar applicant who is the
spouse of a servicemember stationed in this state
under certain circumstances; amending s. 1012.56,
F.S.; requiring the Department of Education to
expedite the processing of an application for educator
certification submitted by a spouse of a servicemember
stationed in this state; requiring the State Board of
Education to adopt rules regarding extending validity
of a temporary certificate if the applicant is a
spouse of a servicemember stationed in this state;
providing legislative findings and intent regarding
continuing education for veterans of the United States
Armed Forces; providing legislative intent to require
collaboration between the State Board of Education and
the Board of Governors of the State University System
in achieving specified goals regarding educational
opportunities for veterans; providing an effective
date.

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

Section 1. Present paragraph (d) of subsection (6) of
section 295.187, Florida Statutes, is redesignated as paragraph
(e), and a new paragraph (d) is added to that subsection, to
read:
295.187 Florida Veteran Business Enterprise Opportunity
Act.—
(6) DUTIES OF THE DEPARTMENT OF VETERANS’ AFFAIRS.—The
department shall:
(d) Create a website to streamline the procedure for
applying for certification as a veteran business enterprise.

Section 2. Subsection (4) is added to section 454.021,
Florida Statutes, to read:
454.021 Attorneys; admission to practice law; Supreme Court
to govern and regulate.—
(4)(a) The Supreme Court of Florida may admit on motion an
applicant as an attorney at law authorized to practice in this
state if the applicant is a spouse of a servicemember, as
defined in s. 250.01, stationed in this state and upon
certification by the Florida Board of Bar Examiners that the
applicant meets the following requirements:
1. The applicant has registered in the Defense Enrollment
Eligibility Reporting System established by the United States
Department of Defense;
2. The applicant holds a Juris Doctor or Bachelor of Laws
from a law school accredited by the American Bar Association;
3. The applicant is licensed to practice law in another
state, the District of Columbia, or a territory of the United
States after having passed a written exam;
4. The applicant can establish that he or she is a member
in good standing in all jurisdictions where licensed to practice
If the applicant meets the requirements, a professional certificate covering the classification, level, and area for which the applicant is deemed qualified and an official statement of status of eligibility must advise the applicant of any qualifications that must be fulfilled. If the applicant meets the requirements and if the applicant is the spouse of a servicemember, as defined in Section 3. Subsections (1) and (7) of section 1012.56, Floride Statutes, are amended to read:

1012.56 Educator certification requirements.—
(1) APPLICATION.—Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant’s social security number to the Department of Education and remit the fee required pursuant to s. 1012.59 and rules of the State Board of Education. Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Disclosure of social security numbers obtained through this requirement is limited to the purpose of administration of the Title IV-D program of the Social Security Act for child support enforcement. Pursuant to s. 120.60, the department shall issue within 90 calendar days after the stamped receipted date of the completed application:
(a) If the applicant meets the requirements, a professional certificate covering the classification, level, and area for which the applicant is deemed qualified and a temporary certificate covering the classification, level, and area for which the applicant is deemed qualified and an official statement of status of eligibility; or
(b) If the applicant meets the requirements and if requested by an employing school district or an employing private school with a professional education competence demonstration program pursuant to paragraphs (6)(e) and (8)(b), a temporary certificate covering the classification, level, and area for which the applicant is deemed qualified and an official statement of status of eligibility; or
(c) If the applicant does not meet the requirements for either certificate, an official statement of status of eligibility. The statement of status of eligibility must advise the applicant of any qualifications that must be completed to qualify for certification. Each statement of status of eligibility is valid for 3 years after its date of issuance, except as provided in paragraph (2)(d).

If the applicant is the spouse of a servicemember, as defined in s. 250.01, stationed in this state and if the applicant holds a current professional standard teaching certificate issued by another state, the department shall expedite the processing of the application and issue a certificate or statement as provided under paragraphs (a)-(c) within 60 calendar days after the stamped receipted date of the completed application.

(7) TYPES AND TERMS OF CERTIFICATION.—
(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2) or,
for a professional certificate covering grades 6 through 12, any applicant who:

1. Meets the requirements of paragraphs (2)(a)-(h).
2. Holds a master’s or higher degree in the area of science, technology, engineering, or mathematics.
3. Teaches a high school course in the subject of the advanced degree.
4. Is rated highly effective as determined by the teacher’s performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.
5. Achieves a passing score on the Florida professional education competency examination required by state board rule.
   (b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.
   (c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor’s degree in the area of speech-language impairment to allow for completion of a master’s degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant, due to the fact that the applicant is the spouse of a servicemember stationed in this state, or due to other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 4. Legislative findings and intent; continuing education of veterans of the United States Armed Forces.—The Legislature finds that many veterans of the United States Armed
Forces in this state have completed training and coursework during their military service, including overseas deployments, resulting in tangible and quantifiable strides in their pursuit of a postsecondary degree. The Legislature further finds that the State Board of Education and the Board of Governors of the State University System must work together to ensure that military training and coursework are granted academic credit in order to assist veterans in continuing their education. Therefore, it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to:

(1) Align existing degree programs, including, but not limited to, vocational and technical degrees, at each state university and Florida College System institution with applicable military training and experience to maximize academic credit awarded for such training and experience.

(2) Appoint and train specific faculty within each degree program at each state university and Florida College System institution as liaisons and contacts for veterans.

(3) Incorporate outreach services tailored to disabled veterans into existing disability services on the campus of each state university and Florida College System institution to make available to such veterans information on disability services provided by the United States Department of Veterans Affairs, other federal and state agencies, and private entities.

(4) Facilitate statewide meetings for personnel at state universities and Florida College System institutions who provide student services for veterans to discuss and develop best practices, exchange ideas and experiences, and attend presentations by individuals with expertise in the unique needs of veterans.

(5) Make every effort to provide veterans with sufficient courses required for graduation, including, but not limited to, giving priority registration to veterans.

Section 5. This act shall take effect July 1, 2017.
March 14, 2017

The Honorable Audrey Gibson
405 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Gibson,

I respectfully request you place Senate Bill 1588, relating to Military and Veteran Support, on your Military and Veterans Affairs, Space, and Domestic Security agenda at your earliest convenience.

Should you have any questions or concerns regarding this legislation, please do not hesitate to contact me personally.

Sincerely,

Jack Latvala
Senator, 16th District

cc: Elizabeth Ryon, Staff Director
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 3/20/17

Topic: MILITARY SUPPORT

Name: MARTY BOWEN

Job Title: CONSULTANT

Address: 108 E JEFFERSON

Phone: 850 328-3904

Email: m1bbusa@1781.com

Speaking: [ ] For [ ] Against [ ] Information

Representing: GREATER MIAMI CHAMBER OF COMMERCE & DEFENSE ALLIANCE

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.
I. Summary:

SB 1734 creates two special military license plates for recipients of the Bronze Star Medal and recipients of Bronze Star Medal with a “V” device for valor.

Revenue generated from the sale of this license plate will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

The bill takes effect July 1, 2017.

II. Present Situation:

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Florida Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates; and
- Special use license plates.

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special military license plates as well as plates for the disabled.

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans for the following types of service:

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;
• Survivor of the attack on Pearl Harbor;
• Recipient of the Purple Heart Medal;
• Active or retired member of any branch of the United States Armed Forces Reserve;
• Recipient of the Combat Infantry Badge;
• Recipient of the Combat Medical Badge;
• Recipient of the Combat Action Badge;
• Recipient of the Combat Action Ribbon;
• Recipient of the Air Force Combat Medal;
• Recipient of the Distinguished Flying Cross;
• Former Prisoner of War;
• Veteran of the Korean War;
• Veteran of the Vietnam War;
• Service member or veteran of Operation Desert Shield;
• Service member or veteran of Operation Desert Storm;
• Service member or veteran of Operation Enduring Freedom;
• Service member or veteran of Operation Iraqi Freedom;
• Veteran of World War II;
• Navy Submariner; and
• Woman Veteran.

Special military license plates authorized under s. 320.089, F.S., are stamped with words consistent with the type of special plate issued. For example, a special plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, a likeness of the related campaign medal or badge appears on the plate.1

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.2

With the exception of Woman Veteran plates, the first $100,000 of the general revenue generated annually from the sale of special use military plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional general revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.3

**Bronze Star Medal**

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly

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2 Section 320.089(1)(c) and (2)(a), F.S.
3 Section 320.089(1)(b), F.S.
foreign nation. The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party. When the Bronze Star Medal is awarded for valor, the “V” device is authorized.

Recipients of the Bronze Star Medal must have been receiving imminent danger pay while serving in a geographic area authorized for special pay or as a result of those events. In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.

III. **Effect of Proposed Changes:**

The bill amends s. 320.089, F.S., to create two special license plates for recipients of the Bronze Star Medal. The first plate issued will be stamped with the words “Bronze Star” and a likeness of the Bronze Star Medal followed by the serial number of the license plate. The second plate created is for those who received the Bronze Star Medal with a “V” device for valor and will be stamped with the words “Bronze Star” and a likeness of the Bronze Star medal with a “Combat V” emblem followed by the serial number of the license plate.

To receive a Bronze Star special license plate the individual must submit an application for the plate to the DHSMV, provide proof that he or she is a Bronze Star Medal recipient, and pay the appropriate license tax as provided in s. 320.08, F.S. Revenue generated from the sale of the Bronze Star plate is deposited in the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund.

The bill also makes technical changes reorganizing and renumbering s. 320.089, F.S., to clarify the provisions relating to special license plates for military servicemembers, veterans, and Pearl Harbor Survivors.

IV. **Constitutional Issues:**

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

None.

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

None.

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5 Id.

6 The “V” device is a bronze block letter worn to denote participation in acts of heroism involving conflict with an armed enemy. Supra note 4 at 75.

7 10 U.S.C. 1133.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who choose to receive the Bronze Star license plate will pay the same tax and fees as if he or she were issued a standard license plate.

C. Government Sector Impact:

The DHSMV will incur an initial startup cost for the creation and manufacture of the Bronze Star license plates to be distributed to Tax Collector offices statewide to meet public demand. The cost is unknown at this time.

The bill may have a positive impact on the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund from sales of the new special license plate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.089 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of 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.
A bill to be entitled An act relating to special license plates; amending s. 320.089, F.S.; providing for special license plates to be issued to Bronze Star or Bronze Star Combat recipients; making technical changes; providing an effective date.

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

Section 1. Subsection (1) of section 320.089, Florida Statutes, is amended to read:

(1) (a) Upon application to the department and payment of the license tax for a vehicle as provided in s. 320.08, a resident of this state who owns or leases each owner or lessee of an automobile or a truck for private use or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, shall be issued a license plate, as provided by s. 320.06, pursuant to the following procedure if the applicant provides the department with proof that he or she meets the qualifications specified in this subsection for the applicable license plate:

1. A person released or discharged from any branch of the United States Armed Forces shall be issued a license plate stamped with the term “Veteran” or, upon request, “Woman Veteran” followed by the serial number of the license plate.

2. A World War II veteran shall be issued a license plate stamped with the term “WWII Veteran” followed by the serial number of the license plate.

3. A Navy submariner shall be issued a license plate stamped with the term “Navy Submariner” followed by the serial number of the license plate.

4. An active or retired member of the Florida National Guard shall be issued a license plate stamped with the term “National Guard” followed by the serial number of the license plate.

5. A member of the Pearl Harbor Survivors Association or any other person on active military duty at Pearl Harbor on December 7, 1941, shall be issued a license plate stamped with the term “Pearl Harbor Survivor” followed by the serial number of the license plate, a survivor of the attack on Pearl Harbor.

6. A recipient of the Purple Heart medal shall be issued a license plate stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. The Purple Heart plate may have the term “Purple Heart” stamped on the...
7. An active or retired member of any branch of the United States Armed Forces Reserve shall be issued a license plate stamped with the term “U.S. Reserve” followed by the serial number of the license plate.

8. A member of the Combat Infantrymen’s Association, Inc., or a recipient of the Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, or Air Force Combat Action Medal shall be issued a license plate stamped with the term “Combat Infantry Badge,” “Combat Medical Badge,” “Combat Action Badge,” “Combat Action Ribbon,” or “Air Force Combat Action Medal,” as appropriate, and a likeness of the related campaign medal or badge followed by the serial number of the license plate.

9. A recipient of the Distinguished Flying Cross shall be issued a license plate stamped with the term “Distinguished Flying Cross” and a likeness of the Distinguished Flying Cross followed by the serial number of the license plate.

10. A recipient of the Bronze Star shall be issued a license plate stamped with the term “Bronze Star” and a likeness of the Bronze Star medal followed by the serial number of the license plate. A Bronze Star Combat recipient shall be issued a license plate stamped with the term “Bronze Star” and a likeness of the Bronze Star medal with a “Combat V” emblem followed by the serial number of the license plate, upon application to the department, accompanied by proof of release or discharge from any branch of the United States Armed Forces, proof of active membership or retired status in the Florida National Guard.

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first $100,000 in general revenue generated from the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated...
from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Any revenue generated from the sale of Woman Veteran license plates must be deposited into the Operations and Maintenance Trust Fund administered by the Department of Veterans’ Affairs pursuant to s. 20.375(3) and must be used solely for the purpose of creating and implementing programs to benefit women veterans.

(d) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran’s license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

Section 2. This act shall take effect July 1, 2017.
To: Senator Audrey Gibson, Chair  
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request  
Date: March 15, 2017

I respectfully request that Senate Bill #1734, relating to Special License Plates, be placed on the:

☒ committee agenda at your earliest possible convenience.
☐ next committee agenda.

Senator Darryl Rouson  
Florida Senate, District 19

Cc: Sen. Doug Broxson, VC; Elizabeth Ryon, SD; Lois Graham, AA

File signed original with committee office
3/22/2017 1:30:10 PM

Call to Order

1:30:15 PM

Roll Call

1:31:23 PM

SB 1588 - Military and Veteran Support

Amendment 187716

1:33:30 PM

Back on Bill as Amended

1:34:25 PM

Roll Call Vote

1:35:00 PM

SB 1224 - Public Records and Public Meetings/Responses to Acts of Terrorism

Amendment 322686

1:36:25 PM

Amendment 212924 to Amendment 322686

1:37:01 PM

Question - Sen. Bradley

Response - Sen. Passidomo

1:37:36 PM

Follow up - Sen. Bradley

Response - Sen. Passidomo

1:37:52 PM

Question - Sen. Gibson

Response - Sen. Passidomo

1:38:30 PM

Follow up - Sen. Gibson

Response - Sen. Passidomo

1:39:09 PM

1:39:37 PM

Question - Sen. Stargel

Response - Sen. Passidomo

1:40:22 PM

Question - Sen. Broxson

Response - Sen. Passidomo

1:40:44 PM

Response - Sen. Passidomo

1:41:08 PM

Question - Sen. Stargel

Response - Sen. Passidomo

1:41:45 PM

Debate - Sen. Gibson

1:43:09 PM

Back on Bill as Amended

Debate - Sen. Stargel

1:45:02 PM

Roll Call Vote

1:45:59 PM

SB 1166 - Honor and Remember Flag

Roll Call Vote

1:48:33 PM

Adjourn