

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

MEETING DATE: Wednesday, February 1, 2012

TIME: 3:30 —5:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Altman, Chair; Senator Sachs, Vice Chair; Senators Bennett, Bullard, Fasano, Gibson, Jones, Norman, and Storms

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SM 1528 Siplin (Identical HM 881)	Haitian Family Reunification Parole Program; Urging the Department of Homeland Security to create the Haitian Family Reunification Parole Program, etc. MS 02/01/2012 Favorable	Favorable Yeas 7 Nays 0
2	SB 1632 Dean (Identical H 1373, Compare CS/HM 205, SM 1080)	40th Anniversary/End of the United States' Involvement in the Vietnam War; Designating March 25, 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, as a legal holiday; requiring the Department of Veterans' Affairs to collaborate with Florida's veterans' organizations and their local posts and chapters to administratively promote and support the efforts of counties, municipalities, and veterans' organizations that voluntarily hold special community events commemorating the 40th anniversary of the end of the United States' involvement in the Vietnam War; providing for creation of a separate account within the Operations and Maintenance Trust Fund of the Department of Veterans' Affairs for the deposit of private donations to fund grants to counties, municipalities, and veterans' organizations that voluntarily hold activities in support of such commemoration; creating the Vietnam Veterans license plate, etc. MS 02/01/2012 Fav/CS BC	Fav/CS Yeas 7 Nays 0
3	SB 1684 Hays	Hurricane Loss Mitigation Program; Revising provisions relating to the program; revising the membership of the program's advisory council; deleting provisions specifying how program funding is to be apportioned; deleting the Manufactured Housing and Mobile Home Mitigation and Enhancement Program, etc. MS 02/01/2012 Temporarily Postponed BI BC	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Military Affairs, Space, and Domestic Security
Wednesday, February 1, 2012, 3:30 —5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 2076 Military Affairs, Space, and Domestic Security (Compare H 7041, H 7075, CS/S 1204)	Florida Defense Support Task Force; Transferring the functions of the Florida Council on Military Base and Mission Support to the Florida Defense Support Task Force; repealing provisions relating to the Florida Council on Military Base and Mission Support; revising references to the Department of Economic Opportunity rather than the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, etc. MS 02/01/2012 Favorable GO	Favorable Yeas 7 Nays 0
5	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: SM 1528

INTRODUCER: Senator Siplin

SUBJECT: Haitian Family Reunification Parole Program

DATE: February 1, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Favorable
2.				
3.				
4.				
5.				
6.				

I. Summary:

On January 12, 2010, the largest earthquake ever recorded in Haiti devastated parts of the country, including the capital. The quake, centered about 15 miles southwest of Port-au-Prince, had a magnitude of 7.0 with a series of strong aftershocks that followed. The damage is severe and catastrophic. It is estimated that 3 million people, approximately one third of the overall population, have been affected by the earthquake. The Government of Haiti is reporting over 240,000 deaths and 300,000 injured.

The memorial urges the Secretary of the Department of Homeland Security to create the Haitian Family Reunification Parole Program (program) to support Haitian applicants for immigration to join their families in the United States due to the current circumstances in Haiti. The memorial proposes that the program be established similar to the current Cuban Family Reunification Parole Program to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States.

II. Present Situation:

2010 Catastrophic Earthquake in Haiti¹

On January 12, 2010, the largest earthquake ever recorded in Haiti devastated parts of the country, including the capital. The quake, centered about 15 miles southwest of Port-au-Prince, had a magnitude of 7.0 with a series of strong aftershocks that followed. The damage is severe

¹ Information under this subheading obtained from: Congressional Research Service Report R41023, *Haiti Earthquake: Crisis and Response*, by Rhoda Margesson and Maureen Taft-Morales (February 19, 2010). Available at: <http://fpc.state.gov/documents/organization/139280.pdf>.

and catastrophic. It is estimated that 3 million people, approximately one third of the overall population, have been affected by the earthquake. The Government of Haiti is reporting over 240,000 deaths and 300,000 injured. In the immediate wake of the earthquake, President Rene Preval described conditions in his country as “unimaginable,” and appealed for international assistance. As immediate needs are met and the humanitarian relief operation continues, the government is struggling to restore the institutions needed for it to function, ensure political stability, and address long-term reconstruction and development planning.

The Immigration and Nationality Act

Immigration into the United States is largely governed by the Immigration and Nationality Act (INA).² The INA utilizes several federal agencies, including the Department of Justice, Department of Homeland Security (DHS), and Department of State (DOS) to administer and enforce federal immigration policies. An alien is a person present in the United States who is not a citizen of the United States.³ The INA provides for the conditions whereby an alien may be admitted to and remain in the United States⁴ and provides a registration system to monitor the entry and movement of aliens in the United States.⁵ An alien may be subject to removal for certain actions, including entering the United States without inspection, presenting fraudulent documents at a port of entry, health reasons, violating the conditions of admission, or engaging in certain other proscribed conduct.⁶

Various categories of legal immigration status exist that include students, workers, tourists, research professors, diplomats, and others.⁷ These categories are based on the type and duration of permission granted to be present in the United States, and expire based on those conditions. All lawfully present aliens must have appropriate documentation based on status.⁸

Temporary Protected Status for Haitians⁹

When civil unrest, violence, or natural disasters erupt in spots around the world, concerns arise over the safety of foreign nationals from these troubled places who are in the United States. Provisions exist in the INA to offer temporary protected status (TPS) or relief from removal under specified circumstances. A foreign national who is granted TPS receives a registration document and an employment authorization for the duration of TPS. The United States currently provides TPS or deferred enforced departure to over 300,000 foreign nationals from a total of seven countries: El Salvador, Haiti, Honduras, Liberia, Nicaragua, Somalia, and Sudan. Liberians have had relief from removal for the longest period, first receiving TPS in March 1991 following the outbreak of civil war.

The devastation caused by the January 12, 2010 earthquake in Haiti prompted calls for the Administration of President Barack Obama to grant TPS to Haitians in the United States at the

² 8 U.S.C. s. 1101, et seq

³ Id. s. 1101(a)(3)

⁴ Id. ss. 1181-1182, 1184.

⁵ Id. ss. 1201(b), 1301-130.

⁶ Id. ss. 1225, 1227, 1228, 1229, 1229c, 1231

⁷ Id. ss. 201- 210

⁸ Id. s. 221

⁹ Information under this subheading obtained from: Congressional Research Service Report, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester (December 13, 2011). Available at: <http://www.fas.org/sfp/crs/homsec/RS20844.pdf>.

time of the earthquake. The scale of the current humanitarian crisis led DHS to announce on January 13, 2010, that it is temporarily halting the deportation of Haitians. On January 15, 2010, DHS Secretary Janet Napolitano granted TPS to Haitians in the United States at the time of the earthquake. On May 17, 2011, TPS for Haitians was extended until January 22, 2013.

The INA's Humanitarian Parole Authority¹⁰

Humanitarian parole, in the context of immigration, refers to official permission for an otherwise inadmissible alien to legally enter the United States temporarily. This includes aliens required to have a visa to visit or immigrate to the United States who are unable to obtain one, either due to ineligibility or urgent circumstances that make it impractical to apply for one. Specifically, the INA grants the Secretary of DHS discretionary authority to parole an alien into the United States temporarily on a case-by-case basis for urgent humanitarian reasons, such as to obtain medical treatment not available in his or her home country, visit a dying relative, or reunify young children with relatives.

Advocates for Haitians are asking Secretary Napolitano to give humanitarian parole to those Haitians with approved petitions for visas. In the context of immigration law, parole means that the foreign national has been granted temporary permission to be present in the United States. Parole does not constitute formal admission to the United States, and parolees are required to leave when the terms of their parole expire, or if otherwise eligible, to be admitted in a lawful status.

Some U.S. citizens and legal permanent residents (LPRs) have family in Haiti for whom they have petitioned for visas to become LPRs in the United States. According to the DOS, there are 54,716 Haitians who have approved petitions to immigrate to the United States and who are waiting for one of these numerically limited visas to become available. The INA provides for a permanent annual worldwide level of 675,000 LPRs, but this level is flexible and certain categories of LPRs are permitted to exceed the limits. The INA establishes per-country levels at 7% of the worldwide level for other family-sponsored LPRs. Immediate relatives of U.S. citizens are among those exempt from direct numerical limits.

Cuban Family Reunification Parole Program¹¹

On November 21, 2007, the Department of Homeland Security announced the establishment of the Cuban Family Reunification Program (CFRP), which offers Cuban nationals who are beneficiaries of approved family-based immigrant visa petitions, for which no visa is currently available, an opportunity to come to the United States rather than remain in Cuba to apply for lawful permanent resident status. The purpose of the CFRP is to expedite family reunification through safe, legal, and orderly channels of migration to the United States and to discourage dangerous and irregular maritime migration. Whether to parole a particular Cuban national is case-by-case, discretionary determination. Cuban nationals who reside in Cuba and who are the beneficiaries of a properly filed Form I-130, Petition for Alien Relative, that has been approved, but for which an immigrant visa is not yet immediately available is eligible.

¹⁰ Information under this subheading obtained from: Congressional Research Service Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by Ruth Ellen Wasem (January 21, 2011). Available at: http://www.uscg.mil/history/docs/CRS_RS21349.pdf.

¹¹ Information under this subheading obtained from: U.S. Citizenship and Immigration Service. *Fact Sheet: Cuban Family Reunification Parole Program*. (November 21, 2007). Available at: http://www.uscis.gov/files/pressrelease/CFRP_FS_21Nov07.pdf.

III. Effect of Proposed Changes:

The memorial urges the Secretary of the Department of Homeland Security to create the Haitian Family Reunification Parole Program to support Haitian applicants for immigration to join their families in the United States due to the current circumstances in Haiti. The memorial proposes that the program be established similar to the current Cuban Family Reunification Program to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States.

Copies of the memorial are to be distributed to the President of the United States, the Speaker of the United States House of Representatives, each member of the Florida delegation to the United States Congress, and to the Secretary of Homeland Security, Janet Napolitano.

Proponents of expediting the admission of Haitians with family in the United States maintain that it would relieve at least some of the humanitarian burden in Haiti. Those opposed to expediting the admission of Haitians assert that it would not be in the national interest, nor would it be fair to other foreign nationals waiting to reunite with their families.¹²

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

¹² Congressional Research Service Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by Ruth Ellen Wasem (January 21, 2011). Available at: http://www.uscg.mil/history/docs/CRS_RS21349.pdf.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.

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

By Senator Siplin

19-01534-12

20121528__

Senate Memorial

A memorial to Secretary of Homeland Security Janet Napolitano, urging the Department of Homeland Security to create the Haitian Family Reunification Parole Program.

WHEREAS, on January 12, 2010, Haiti experienced a 7.0 magnitude earthquake, which killed 250,000 people and left over 1 million homeless, injured, and with limited access to potable water and food, and

WHEREAS, Haitians that live in the United States, particularly in Florida, were devastated by the news and were concerned for the well-being of family members still living in Haiti, and

WHEREAS, President Obama issued an executive order to grant temporary protected status to eligible citizens of Haiti, and, on May 17, 2011, Secretary of Homeland Security Janet Napolitano announced the extension of the temporary protect status for eligible Haitians for another 18 months, and

WHEREAS, human rights advocates have called upon the Department of Homeland Security to use the Immigration and Nationality Act's humanitarian parole authority to allow Haitians that have approved visas to immigrate to the United States without waiting extending periods of time, and

WHEREAS, the United States Citizenship and Immigration Services approved family-based immigration petitioners to wait in the United States rather than in Haiti for their visa priority dates to become current, and

WHEREAS, there is currently a Cuban Family Reunification

19-01534-12

20121528__

Program in aid of Cuban applicants for immigration to join their families in this country, and the purpose of this memorial is to call for the establishment of a similar program in support of Haitian applicants for immigration to join their families in this country due to the current circumstances in Haiti, and

WHEREAS, the purpose of the Haitian Family Reunification Parole Program will be to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States, and

WHEREAS, support for the Haitian Family Reunification Parole Program is supported by the City of Philadelphia, Pennsylvania; the Conference of Mayors; the United States House Committee on Foreign Affairs; and six United States Senators, NOW, THEREFORE,

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

That Secretary of Homeland Security Janet Napolitano and the Department of Homeland Security are urged to create the Haitian Family Reunification Parole Program for the reasons and purposes provided in this memorial.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the Florida delegation to the United States Congress, and to Secretary of Homeland Security Janet Napolitano.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/1/12

Meeting Date

Topic Family reunification Program Bill Number SM 1528
(if applicable)

Name Andre Pierre Amendment Barcode _____
(if applicable)

Job Title MAYOR

Address 776 N.E. 125 Street Phone 305-895-9815
Street

North Miami FL 33161 E-mail pierreatty@bellsouth.net
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing North Miami

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/01/12
Meeting Date

Topic HER PP

Bill Number SM 1528
(if applicable)

Name HANS MARDY

Amendment Barcode _____
(if applicable)

Job Title TEACHER

Address 11925 NE 2ND AVE #B3

Phone (305) 307 9073

N MIAMI FL 33161
City State Zip

E-mail Hansmardymn.com

Speaking: ☒ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/1/2012
Meeting Date

Topic HJR 18 Charles Bill Number SM 1528
(if applicable)

Name WILNER C. CHARLES Amendment Barcode _____
(if applicable)

Job Title (344 NW 100TH) TESTOR

Address MIAMI FL 33150 Phone 305 303 6810
Street

City

State

Zip

E-mail Charles.Wilner33@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

02-01-2012

Meeting Date

Topic Haitian Family Reunification Parole Program Bill Number SB-1528
(if applicable)
Name Frantz Pierre Amendment Barcode _____
(if applicable)
Job Title Educator
Address 2120 NE 171 ST Phone 305-434-6418
Street
MIAMI BCH, FL. 33162 E-mail FrantzPierre007@gmail.com
City State Zip
Speaking: ☐ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/01/2012
Meeting Date

Topic SENATE MEMORIAL Bill Number SM 1528
(if applicable)
Name JEAN MARCELLUS Amendment Barcode _____
(if applicable)
Job Title COUNCILMAN CITY OF NORTH MIAMI
Address 200 NE 121 TER Phone _____
Street
N. MIAMI FL 33161
City State Zip
Speaking: ☒ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

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

Meeting Date

Topic HERP

Bill Number SM 1528
(if applicable)

Name NACIVRE CHARLES

Amendment Barcode _____
(if applicable)

Job Title GC

Address 520 NW 130th
Street

Phone 786-326-2348

City North Miami State FL Zip 33168

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

SM 1528
Meeting Date

Topic _____

Bill Number 1528
(if applicable)

Name Mark Schlakman

Amendment Barcode _____
(if applicable)

Job Title board chair, FAUACA

Address FSU/CHHA 426 W. Jefferson St.
Tallahassee, FL 32301
City State Zip

Phone 850 644 4614

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

Meeting Date

Topic _____

Bill Number 528 (if applicable)

Name Margorie Muri/lo

Amendment Barcode _____
(if applicable)

Job Title Parent Liaison

Address 26604 SW 122 Pl
Street SW 122 Pl

Phone _____

Street Homestead Fl 33032
City _____ State _____ Zip _____

E-mail _____

Speaking: ☒ For ☐ Against ☐ Information

Representing PTA & Catalyst Miami

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: CS/SB 1632

INTRODUCER: Committee on Military Affairs, Space, and Domestic Security and Senator Dean

SUBJECT: 40th Anniversary/End of the United States' Involvement in the Vietnam War

DATE: February 1, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming/Willar	Carter	MS	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

The bill designates March 25, 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, as a legal holiday to provide opportunities for the public and veteran organizations throughout the state to express appreciation for the honorable service and sacrifice of veterans who served in the U.S. Armed Forces during the Vietnam Era. The bill also establishes the Vietnam War Commemoration Fund and creates a veteran volunteer advisory board to fund and manage the Vietnam War commemoration activities on March 25, 2013.

The bill also directs the Department of Highway Safety and Motor Vehicles to develop a "Vietnam Veterans" specialty license plate and specifies the distribution of the annual use fees generated from the license plate.

The bill creates the following sections of the Florida Statutes: 683.025 and 292.075, and substantially amends the following sections of the Florida Statutes: 320.08056, 320.08058, and 683.01.

II. Present Situation:

Legal Holidays and Special Observance Days

Chapter 683, F.S., establishes legal holidays and special observance days. Legal holidays and special observance days may apply throughout the state or they may be limited to particular counties. For example, “Gasparilla Day”¹ is a legal holiday observed only in Hillsborough County, while “Bill of Rights Day,”² if issued by the Governor, is observed throughout the state. Also, designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees. Section 110.117, F.S., establishes which legal holidays are paid holidays for public employees.³

The legal holidays established in s. 683.01(1), F.S., are:

- (a) Sunday, the first day of each week.⁴
- (b) New Year’s Day, January 1.
- (c) Birthday of Martin Luther King, Jr., January 15.
- (d) Birthday of Robert E. Lee, January 19.
- (e) Lincoln’s Birthday, February 12.
- (f) Susan B. Anthony’s Birthday, February 15.
- (g) Washington’s Birthday, the third Monday in February.
- (h) Good Friday.
- (i) Pascua Florida Day, April 2.⁵
- (j) Confederate Memorial Day, April 26.
- (k) Memorial Day, the last Monday in May.
- (l) Birthday of Jefferson Davis, June 3.
- (m) Flag Day, June 14.
- (n) Independence Day, July 4.
- (o) Labor Day, the first Monday in September.
- (p) Columbus Day and Farmers’ Day, the second Monday in October.
- (q) Veterans’ Day, November 11.

¹ Section 683.08, F.S.

² Section 683.25, F.S.

³ Section 110.117(1), F.S., provides the following holidays as paid holidays for all state branches and agencies: New Year’s Day; Martin Luther King Birthday; Memorial Day; Independence Day; Labor Day; Veteran’s Day; Thanksgiving Day and Friday after Thanksgiving; and Christmas Day.

⁴ Sunday as a holiday has its origins in the Christian Sabbath or day of rest.

⁵ “Pascua Florida” is a Spanish term that means *flowery festival* or *feast of flowers*. It usually refers to the Easter season, though, “Pascua” can, depending on the context, refer to the Jewish Passover, Easter, Christmas, Epiphany or Pentecost. *See*, <http://www.answers.com/topic/pascua-florida>. April 2 each year is designated as “Florida State Day” and is known as “Pascua Florida Day.” Juan Ponce de León called the land he encountered in 1513 “Pascua florida.” The holiday is to be observed in the same manner as a “patriotic occasion.”

United States Involvement in the Vietnam War

The Geneva Accords dividing Vietnam into a communist north and democratic south were signed in July of 1954. The rationale developed by the Eisenhower Administration to explain its economic and military support of South Vietnam became known as the “domino theory.” Likening the countries of southeast Asia to a row of dominos, the President argued that if one country fell, it would trigger the fall of others.⁶ Thus, the United States began to endorse and support South Vietnam’s effort to defend against the communist North.

The U.S. initially supported South Vietnam in an advisory role but, by the mid-1960s, U.S. military forces were directly involved in combat operations against the North, in which over the course of the war, more than 3 million Americans were deployed to Southeast Asia.⁷ American involvement in the war began to decline after the Paris Peace Accords were signed on January 27, 1973. The U.S. completed withdrawal of its ground troops from Vietnam on March 30, 1973, but thousands of U.S. support personnel remained in Vietnam. All remaining U.S. personnel were evacuated when Saigon fell on April 30, 1975.⁸

Military involvement in Vietnam, and the neighboring countries of Laos and Cambodia, resulted in the deaths of 58,220 U.S. service members, 1,952 of whom were from Florida.⁹ An additional 153,303 U.S. service members required hospital care as a result of wounds.¹⁰ There are approximately 7.5 million surviving veterans of the Vietnam War era, with approximately 454,000 residing in Florida.¹¹

The United States supported South Vietnam from the beginning of the war until its end on May 7, 1975. The U.S. Congress and President have defined the Vietnam era as beginning February 28, 1961, and ending on May 7, 1975.¹² This is the period used to determine qualification for veterans’ benefits. The Vietnam Veterans Association likewise uses this period to determine eligibility for membership.¹³

Specialty License Plates

The Florida Legislature created the first specialty license plate in 1986. Specialty license plates are available for an annual use fee to any owner or lessee of a motor vehicle. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to a specified organization in support of the particular cause or charity signified in the

⁶ The War in Vietnam, 1954-1964; <http://faculty.smu.edu/dsimon/Change-Viet.html>.

⁷ *Statistics at a Glance*, Dep’t of Veterans Affairs (as of 1/17/2012) and *America’s Wars*, Dep’t of Veterans Affairs (May 2010) available at: http://www1.va.gov/opa/publications/factsheets/fs_americas_wars.pdf

⁸ U.S. Congress, President, and Florida Legislature recognize May 7, 1975, as the end of the Vietnam War (for purpose of veteran affairs). Text at: <http://www.gpo.gov/fdsys/pkg/CFR-2005-title45-vol3/pdf/CFR-2005-title45-vol3-sec506-10.pdf>; 14 Fla. Prac., Elder Law § 14:5 (2010-11 ed.).

⁹ <http://thewall-usa.com/summary.asp>

¹⁰ Anne Leland; Mari-Jana "M-J" Oboroceanu, American War and Military Operations: Casualties: Lists and Statistics, Congressional Research Service, <http://www.fas.org/sgp/crs/natsec/RL32492.pdf> (February 26, 2010); <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>

¹¹ Florida Dep’t of Veterans’ Affairs, *Fast Facts*, Available at: <http://www.floridavets.org/>.

¹² U.S. Code of Federal Regulations, Title 45, Volume 3, Sec. 506.10, “Vietnam Conflict” defined, available at <http://frwebgate2.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=xr1v3B/30/1/0&WAISaction=retrieve>

¹³ Vietnam Veterans Association, *Membership Brochure*, http://www.vva.org/member_brochure.html

plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Section 320.08053, F.S., provides that an organization seeking authorization to establish a specialty license plate must submit the following:

- A request for the particular license plate with a description of the proposed plate in specific terms, including a sample plate conforming to the specifications set by the Department of Highway Safety and Motor Vehicles (DHSMV);
- An application fee, not to exceed \$60,000, to defray the DHSMV's cost for reviewing the application and developing the specialty license plate, if authorized; and
- A marketing strategy outlining both the short and long term marketing plans, and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenue from the requested specialty license plate.¹⁴

The required documentation and fees must be submitted at least 90 days before the convening of the next regular session of the Florida Legislature. If a specialty license plate is approved by law, the organization must submit a proposed art design for the specialty plate to the DHSMV no later than 60 days after the act becomes a law. If the specialty license plate is not approved by the Legislature, the application fee is refunded to the requesting organization.

In 2010, the Legislature amended s. 320.08053, F.S., to establish presale requirements for specialty license plates that have been approved by the Legislature. Section 320.08053(3), F.S., requires the DHSMV to establish a method to issue a specialty license plate voucher to allow for the presale of an approved specialty license plate, within 120 days following the specialty license plate becoming law. Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the DHSMV at least 1,000 voucher sales before manufacture of the license plate may commence. If the minimum sales requirements have not been met after the 24-month presale period, the specialty license plate is deauthorized and the DHSMV must discontinue development of the plate and discontinue issuance of the presale vouchers.

In 2008, the Legislature passed SB 1992 (ch. 2008-176, Laws of Florida), which established a moratorium on the issuance of specialty plates by the DHSMV. The 2010 Legislature created chapter 2010-223, Laws of Florida, to extend the moratorium to July 1, 2014. The moratorium contains an exception "for [any] specialty license plate proposal which has submitted a letter of intent to the DHSMV prior to May 2, 2008" or "which was included in a bill filed during the 2008 Legislative Session."¹⁵

Section 320.08058, F.S., lists the approved specialty license plates and specifies funding requirements.

¹⁴ Section 320.08053, F.S., was found to be unconstitutional by U.S. District Judge John Antoon, II, on March 30, 2011, and is thus, void. See Section III of this analysis for more information.

¹⁵ Section 21, ch. 2010-223, L.O.F.

III. Effect of Proposed Changes:

Section 1 amends s. 683.01 F.S., designating March 25, 2013, the 40th anniversary of the end of the United States' involvement in the Vietnam War, as a legal holiday.

Section 2 creates s. 683.025 F.S., designating March 25, 2013, as the date the 40th anniversary of the end of the United States' involvement in the Vietnam War is to be commemorated. It further provides that this day shall be suitably observed by public exercises in the State Capitol and elsewhere as the Governor designates and provide opportunities for the public to demonstrate and express appreciation for the honorable service and sacrifice of veterans who served in the U.S. Armed Forces during the Vietnam Era.

Section 3 creates s. 292.075 F.S., to direct the Department of Veterans' Affairs to collaborate with Florida's veteran organizations and their local posts and chapters to administratively promote and support the efforts of counties, municipalities, and veteran organizations that voluntarily hold special community events commemorating the 40th anniversary of the end of the United States' involvement in the Vietnam War.

Additionally, the bill establishes a separate account within the Operations and Maintenance Trust Fund of the Department of Veterans' Affairs designated as the Vietnam War Commemoration Fund for the purposes of receiving donations through June 30, 2013, to fund grants to counties, municipalities and other organizations that hold commemorative activities. Any unused funds from after June 30, 2013 in the account will be transferred to the Operations and Maintenance Trust Fund of the Department of Veterans' Affairs.

The bill also creates a special volunteer advisory board, consisting of Vietnam veterans of the state, for the purpose of reviewing and making recommendation for the Vietnam War commemoration activities on March 25, 2013.

Section 4 amends s. 320.08056, F.S., adding the "Vietnam Veterans" license plate to the list of approved specialty license plates available in Florida and establishes an annual use fee of \$25 to acquire such license plate.

Section 5 amends s. 320.08058, F.S., directing the DHSMV, notwithstanding the current moratorium, to develop a "Vietnam Veterans" specialty license plate and specifies the distribution of the generated annual use fees from the license plate.

The license plate annual use fees generated through June 30, 2013 are to be deposited into a separate account within the Florida Department of Veterans' Affairs' Operations and Maintenance Trust Fund designated as the Vietnam War Commemoration Fund. All such moneys are to be administered by the Florida Veterans' Foundation,¹⁶ and must be used solely for the purpose of:

¹⁶ The Florida Veterans' Foundation is the direct-support organization of the Florida Department of Veterans' Affairs created under s. 292.055, F.S.

- Funding grants to counties, municipalities, and bona fide veterans' organizations for activities on March 25, 2013 in commemoration of the 40th anniversary of the end of the United States' involvement in the Vietnam War; and
- The promotion and marketing of the license plate.

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

Other Potential Implications:

On March 30, 2011, United States District Judge John Antoon, II, issued an order that found s. 320.08053, F.S., (2009) unconstitutional under the overbreadth doctrine. His ruling was based on the finding that s. 320.08053, F.S., (2009) "implicates private speech rights and provides the Legislature with unfettered discretion to engage in viewpoint discrimination when declining to approve a specialty license plate application."¹⁷ Section 320.08053, F.S., prescribes the requirements an organization must follow in order to obtain a specialty license plate. In light of this ruling, the requirements for successful completion of an application to DHSMV for a specialty license plate are void. However, according to the DHSMV, s. 320.08053(3), F.S., which was amended in 2010 to establish a presale license plate process, does not appear to be impacted by Judge Antoon's ruling. Therefore, a sponsoring organization for a specialty license plate must satisfy the presale conditions set forth in s. 320.08053(3), F.S.

Finally, the bill provides that the annual use fees generated through June 30, 2013 are to be deposited in the designated Vietnam War Commemoration Fund to fund the Vietnam War commemoration activities. The presale requirements in s. 320.08053(3), F.S., require the approved specialty license plate organization to record with the DHSMV at least 1,000 voucher sales within a 24-month period before manufacture of the license plate may commence. The sponsoring organization of the Vietnam Veterans license plate would need to pre-sell 1,000 vouchers before the DHSMV will manufacture and distribute the license plates and release the funds generated.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ *Sons of the Confederate Veterans, Florida Division, Inc. v. Jeffrey H. Atwater, et al.*, No. 6:09cv-134-Orl-28KRS (M.D. Fl. Mar. 30, 2011)

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Persons choosing to purchase a “Vietnam Veterans” specialty license plate can do so for a charge of \$25 (plus \$5 processing fee) in addition to the normal fees associated with buying a license plate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Military Affairs, Space, and Domestic Security on February 1, 2012:

The committee substitute adds notwithstanding language to override the current moratorium on specialty license plates established in section 45, chapter 2008-176, Laws of Florida.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment

Delete line 117
and insert:

(a) Notwithstanding s. 45 of chapter 2008-176, Laws of
Florida, as amended by s. 21 of chapter 2010-223, Laws of
Florida, the department shall develop a Vietnam Veterans license

By Senator Dean

3-01450-12

20121632__

1 A bill to be entitled
2 An act relating to commemoration of the 40th
3 anniversary of the end of the United States'
4 involvement in the Vietnam War; amending s. 683.01,
5 F.S.; designating March 25, 2013, the 40th anniversary
6 of the end of the United States' involvement in the
7 Vietnam War, as a legal holiday; creating s. 683.025,
8 F.S.; designating a date for the observance of the
9 anniversary; specifying purpose of the observance;
10 creating s. 292.075, F.S.; requiring the Department of
11 Veterans' Affairs to collaborate with Florida's
12 veterans' organizations and their local posts and
13 chapters to administratively promote and support the
14 efforts of counties, municipalities, and veterans'
15 organizations that voluntarily hold special community
16 events commemorating the 40th anniversary of the end
17 of the United States' involvement in the Vietnam War;
18 providing for creation of a separate account within
19 the Operations and Maintenance Trust Fund of the
20 Department of Veterans' Affairs for the deposit of
21 private donations to fund grants to counties,
22 municipalities, and veterans' organizations that
23 voluntarily hold activities in support of such
24 commemoration; providing for maintenance of the
25 account for a limited period; providing for transfer
26 of unused funds in the account after a specified date;
27 providing for the creation of a special volunteer
28 advisory board to the department for the purpose of
29 reviewing and making recommendations with respect to

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20121632__

activities and expenditures of private funds raised in support of such commemoration; amending ss. 320.08056 and 320.08058, F.S.; creating the Vietnam Veterans license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

WHEREAS, March 30, 2013, marks the 40th anniversary of the end of United States' involvement in the Vietnam War, and

WHEREAS, because March 30, 2013, falls during Easter weekend, March 25, 2013, has been designated as the date on which the 40th anniversary of the end of the United States' involvement in the Vietnam War is to be commemorated in the State of Florida, and

WHEREAS, it is the intent of this act to provide legislative direction and support for recognition of the importance of this event and to ensure the appropriate commemoration of this anniversary and proper demonstration of appreciation for the honorable service and tremendous sacrifice of veterans who served in the United States Armed Services during the Vietnam Era, NOW, THEREFORE,

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

Section 1. Paragraph (v) is added to subsection (1) of section 683.01, Florida Statutes, to read:

683.01 Legal holidays.—

(1) The legal holidays, which are also public holidays, are

3-01450-12

20121632__

the following:

(v) The 40th anniversary of the end of United States' involvement in the Vietnam War, March 25, 2013.

Section 2. Section 683.025, Florida Statutes, is created to read:

683.025 Commemoration of 40th anniversary of end of United States' involvement in Vietnam War.—In recognition of the historical significance of the 40th anniversary of the end of United States' involvement in the Vietnam War, March 25, 2013, shall be observed as the 40th anniversary of the end of United States' involvement in the Vietnam War. The day shall be suitably observed for the purpose of providing opportunities throughout the state to demonstrate and express appreciation for the honorable service and sacrifice of veterans who served in the United States Armed Forces during the Vietnam Era and shall otherwise be suitably observed by such public exercises in the State Capitol and elsewhere as the Governor may designate.

Section 3. Section 292.075, Florida Statutes, is created to read:

292.075 Commemoration of 40th anniversary of the end of United States' involvement in the Vietnam War.—

(1) The department shall collaborate with Florida's veterans' organizations and their local posts and chapters to administratively promote and support the efforts of counties, municipalities, and bona fide veterans' organizations that voluntarily hold special community events commemorating the 40th anniversary of the end of the United States' involvement in the Vietnam War on March 25, 2013, as provided in s. 683.025. Such events shall include, but are not limited to, parades or

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ceremonies held on or about that date.

(2) The Florida Veterans' Foundation created under s. 292.055 shall:

(a) Establish a separate account within the Operations and Maintenance Trust Fund of the Department of Veterans' Affairs designated as the Vietnam War Commemoration Fund for the purpose of receiving private donations through June 30, 2013, to fund grants to counties, municipalities, and bona fide veterans' organizations that voluntarily hold commemorative activities contemplated by this section and s. 683.025. The Vietnam War Commemoration Fund shall be maintained through June 30, 2013. Any unused funds remaining in the account after June 30, 2013, shall be transferred to the Operations and Maintenance Trust Fund of the Department of Veterans' Affairs.

(b) Create a special volunteer advisory board, consisting of Vietnam veterans who are residents of the state, for the purpose of reviewing and making recommendations with respect to the activities contemplated by this section and s. 683.025 and major expenditures of private funds raised in support thereof.

Section 4. Paragraph (aaaa) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(aaaa) Vietnam Veterans license plate, \$25.

Section 5. Subsection (79) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(79) VIETNAM VETERANS LICENSE PLATE.—

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117 (a) The department shall develop a Vietnam Veterans license
118 plate as provided in this section. Vietnam Veterans license
119 plates must bear the colors and design approved by the
120 department. The word "Florida" must appear at the top of the
121 plate, and the words "Vietnam Veterans" must appear at the
122 bottom of the plate.

123 (b) The license plate annual use fees generated through
124 June 30, 2013, must be deposited in the separate account within
125 the Operations and Maintenance Trust Fund of the Department of
126 Veterans' Affairs designated as the Vietnam War Commemoration
127 Fund, established under s. 292.075(2). All such moneys are to be
128 administered by the direct-support organization of the
129 Department of Veterans' Affairs created under s. 292.055, the
130 Florida Veterans' Foundation, and must be used solely for the
131 purposes of:

132 1. Funding grants to counties, municipalities, and bona
133 fide veterans' organizations for activities related to the
134 commemoration on March 25, 2013, of the 40th anniversary of the
135 end of United States' involvement in the Vietnam War; and

136 2. The promotion and marketing of the license plate,
137 subject to the requirements of chapter 216.

138 (c) Funds generated by the sale of the Vietnam Veterans'
139 license plate after June 30, 2013, shall be deposited into the
140 Operations and Maintenance Trust Fund of the Department of
141 Veterans' Affairs.

142 Section 6. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: SB 1684

INTRODUCER: Senator Hays

SUBJECT: Hurricane Loss Mitigation Program

DATE: January 31, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fleming	Carter	MS	Pre-meeting
2.			BI	
3.			BC	
4.				
5.				
6.				

I. Summary:

The bill deletes several provisions within s. 215.559, F.S., relating to the Florida Hurricane Loss Mitigation Program (program) and redefines how the Division of Emergency Management must utilize the \$10 million annually appropriated from the Florida Hurricane Catastrophe Fund to support the program. The bill also creates an advisory council to provide advice and assistance regarding the administration of the program.

This bill substantially amends section 215.559 of the Florida Statutes.

II. Present Situation:

Hurricane Loss Mitigation Program

The Florida Legislature passed the Bill Williams Residential Safety and Preparedness Act, creating the Hurricane Loss Mitigation Program in 1999. Located in s. 215.559, F.S., the Hurricane Loss Mitigation Program receives an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund which is submitted to the Division of Emergency Management (division) within the Executive Office of the Governor for administration of purposes specified in the section.

Of the \$10 million dollars that are allocated by the Legislature, \$7 million must be used to improve wind resistance of residences and mobile homes, through loans, subsidies, grants, demonstration projects and direct assistance, educate individuals on Florida Building Code cooperative programs, and provide other efforts to prevent or reduce losses or the cost of

rebuilding after a disaster. The remaining \$3 million must be used to retrofit existing facilities used as public hurricane shelters.¹

Of the \$7 million that is allocated to improve wind resistance and prevent or reduce losses after a disaster:

- 40% must be used to inspect and improve tie-downs for mobile homes, through grants under the Manufactured Housing and Mobile Home Mitigation Enhancement Program at Tallahassee Community College;²
- 10% must be allocated to the Florida International University center that is dedicated to hurricane research;³ and
- 50 % is allocated to directed programs developed by the division with the advice from the statutorily created advisory council in s. 215.559(4), F.S.⁴

The statutorily created advisory council provides project recommendations, selection criteria and guiding principles to administer the Hurricane Loss Mitigation Program. Membership of the advisory council consists of the following:

- A representative designated by the Chief Financial Officer;
- A representative designated by the Florida Home Builders Association;
- A representative designated by the Florida Insurance Council;
- A representative designated by the Federation of Manufactured Home Owners;
- A representative designated by the Florida Association of Counties;
- A representative designated by the Florida Manufactured Housing Association; and
- A representative designated by the Florida Building Commission.⁵

Subsection (6), of s. 215.559, F.S., requires the division to provide a full report along with an accounting and evaluation of activities conducted under this section to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate on January 1 of each year.

According to the 2011 Florida Hurricane Loss Mitigation Program Annual Report, the following amounts were awarded for the 2010-2011 fiscal year:

Amount Awarded: State Fiscal Year 2010-2011	
Shelter Retrofit Program	\$3,000,000.00
Residential Construction Program Retrofits	\$821,296.00
Mitigation Planning	\$318,719.00
Public Outreach and Training	\$297,972.00
Manufactured Homes (tie-down retrofit)	\$2,800,000.00
Hurricane Mitigation Research (FIU)	\$700,000.00
TOTAL AWARD AMOUNT	\$7,937,987.00

¹ Section 215.559(1)(a)-(b), F.S.

² Section 215.559(2), F.S.

³ Section 215.559(3), F.S.

⁴ Florida Division of Emergency Management. Hurricane Loss Mitigation Program. 2011 Annual Report. (on file with the Senate Military Affairs, Space, and Domestic Security Committee).

⁵ Section 215.559(4), F.S.

Under current law, the Hurricane Loss Mitigation Program is set to be repealed on June 30, 2021.

III. Effect of Proposed Changes:

The bill amends s. 215.559, F.S., to revise provisions relating to the Florida Hurricane Loss Mitigation Program (program). Specifically, the bill removes the current provisions discussed above which outline how the Division of Emergency Management must use the \$10 million annually appropriated from the Florida Hurricane Catastrophe Fund.

The bill replaces the current provisions outlining the program and provides that the purpose of the program is to:

- Provide funding and supervision for the public hurricane loss projection model;
- Supervise and fund the My Safe Florida Home Program;
- Establish a statewide program for inspection standards and data collection related to hurricane loss;
- Further the science of hurricane mitigation by working with all types of businesses, scientists, and academics in order to further the availability and measure the effectiveness of new ways to mitigate hurricane damage to homes;
- Be a state resource on the assessment of the potential expected cost of hurricane damage and the results of mitigation; and
- Provide regulatory oversight to the Office of Insurance Regulation on the applicability and use of wind mitigation discounts for homeowners' insurance.

Additionally, the bill establishes an advisory council to provide advice and assistance regarding the administration of the program. Membership of the council consists of:

- The Director of the Office of Insurance Regulation, or his or her designee;
- The Insurance Consumer Advocate, or his or designee;
- Two representatives of homeowners' insurance companies; one of whom represents small companies and is to be appointed by the President of the Senate and one of whom represents large companies and is to be appointed by the Speaker of the House of Representatives.
- Two scientists, one of whom has experience and training in the sciences related to wind or the building code and is to be appointed by the President of the Senate, and one of whom has a background in engineering and is to be appointed by the Speaker of the House of Representatives.
- Two legislators, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- One representative of the reinsurance industry, who is appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and
- One scientist who has a background in modeling appointed by the Division of Emergency Management.

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:

Indeterminate at this time.

C. Government Sector Impact:

Indeterminate at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

None.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete lines 37 - 180

and insert:

division for the purposes set forth in this section. Of the
amount:

(a) Seven million dollars in funds shall be used for
programs to improve the wind resistance of residences and mobile
homes, including loans, subsidies, grants, demonstration
projects, and direct assistance; educating persons concerning
the Florida Building Code cooperative programs with local
governments and the Federal Government; and other efforts to



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13 prevent or reduce losses or reduce the cost of rebuilding after
14 a disaster.

15 (b) Three million dollars in funds shall be used to
16 retrofit existing facilities used as public hurricane shelters.
17 Each year the division shall prioritize the use of these funds
18 for projects included in the annual report of the Shelter
19 Retrofit Report prepared in accordance with s. 252.385(3). The
20 division must give funding priority to projects in regional
21 planning council regions that have shelter deficits and to
22 projects that maximize the use of state funds.

23 (2)(a) Forty percent of the total appropriation in
24 paragraph (1)(a) shall be used to inspect and improve tie-downs
25 for mobile homes.

26 (b)1. The Manufactured Housing and Mobile Home Mitigation
27 and Enhancement Program is established. The program shall
28 require the mitigation of damage to or the enhancement of homes
29 for the areas of concern raised by the Department of Highway
30 Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on
31 the effects of the 2004 and 2005 hurricanes on manufactured and
32 mobile homes in this state. The mitigation or enhancement must
33 include, but need not be limited to, problems associated with
34 weakened trusses, studs, and other structural components caused
35 by wood rot or termite damage; site-built additions; or tie-down
36 systems and may also address any other issues deemed appropriate
37 by Tallahassee Community College, the Federation of Manufactured
38 Home Owners of Florida, Inc., the Florida Manufactured Housing
39 Association, and the Department of Highway Safety and Motor
40 Vehicles. The program shall include an education and outreach
41 component to ensure that owners of manufactured and mobile homes



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are aware of the benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and



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whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

(3) Of moneys provided to the division in paragraph (1)(a), 10 percent shall be allocated to the Florida International University center dedicated to hurricane research. The center shall develop a preliminary work plan approved by the advisory council set forth in subsection (4) to eliminate the state and local barriers to upgrading existing mobile homes and communities, research and develop a program for the recycling of existing older mobile homes, and support programs of research and development relating to hurricane loss reduction devices and techniques for site-built residences. The State University System also shall consult with the division and assist the division with the report required under subsection (6).

(4) Except for the programs set forth in subsection (3), the division shall develop the programs set forth in this section in consultation with an advisory council consisting of a representative designated by the Chief Financial Officer, a representative designated by the Florida Home Builders Association, a representative designated by the Florida



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Insurance Council, a representative designated by the Federation of Manufactured Home Owners, a representative designated by the Florida Association of Counties, a representative designated by the Florida Manufactured Housing Association, and a representative designated by the Florida Building Commission.

(5) Moneys provided to the division under this section are intended to supplement, not supplant, the division's other funding sources.

(6) An advisory council shall be established to provide advice and assistance regarding the administration of the program. The advisory council shall consist of:

(a) The Director of the Office of Insurance Regulation, or his or her designee, who may not serve as chair of the committee;

(b) The Insurance Consumer Advocate, or his or her designee;

(c) Two representatives of homeowners' insurance companies, one of whom represents small companies and is appointed by the President of the Senate, and one of whom represents large companies and is appointed by the Speaker of the House of Representatives;

(d) Two scientists, one of whom has experience and training in the sciences related to wind or the building code and is appointed by the President of the Senate, and one of whom has a background in engineering and is appointed by the Speaker of the House of Representatives;

(e) Two legislators, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;



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(f) One representative of the reinsurance industry, who is appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

(f) One scientist who has a background in modeling appointed by the division.

(7)~~(6)~~ On January 1st of each year, the division shall provide a full report and accounting of activities under this section and an evaluation of such activities to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. Upon completion of the report, the division shall deliver the report to the Office of Insurance Regulation. The Office of Insurance Regulation shall review the report and ~~shall~~ make such recommendations available to the insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make such recommendations within 1 year after receiving the report.

(8)~~(7)~~ This section expires ~~is repealed~~ June 30, 2021.

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

And the title is amended as follows:

Delete lines 6 - 9

and insert:

advisory council; providing an effective date.

By Senator Hays

20-01371-12

20121684__

1 A bill to be entitled
2 An act relating to the Hurricane Loss Mitigation
3 Program; amending s. 215.559, F.S.; revising
4 provisions relating to the program; providing
5 purposes; revising the membership of the program's
6 advisory council; deleting provisions specifying how
7 program funding is to be apportioned; deleting the
8 Manufactured Housing and Mobile Home Mitigation and
9 Enhancement Program; providing an effective date.

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

12
13 Section 1. Section 215.559, Florida Statutes, is amended to
14 read:

15 215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss
16 Mitigation Program is established in the Division of Emergency
17 Management.

18 (1) The purpose of the program is to:

19 (a) Provide funding and supervision for the public
20 hurricane loss projection model;

21 (b) Supervise and fund the My Safe Florida Home Program;

22 (c) Establish a statewide program for inspection standards
23 and data collection related to hurricane loss;

24 (d) Further the science of hurricane mitigation by working
25 with all types of businesses, scientists, and academics in order
26 to further the availability and measure the effectiveness of new
27 ways to mitigate hurricane damage to homes;

28 (e) Be a state resource on the assessment of the potential
29 expected cost of hurricane damage and the results of mitigation;

20-01371-12

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and

(f) Provide regulatory oversight to the Office of Insurance Regulation on the applicability and use of wind mitigation discounts for homeowners' insurance.

(2)~~(1)~~ The Legislature shall annually appropriate \$10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. ~~Of the amount:~~

~~(a) Seven million dollars in funds shall be used for programs to improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code cooperative programs with local governments and the Federal Government; and other efforts to prevent or reduce losses or reduce the cost of rebuilding after a disaster.~~

~~(b) Three million dollars in funds shall be used to retrofit existing facilities used as public hurricane shelters. Each year the division shall prioritize the use of these funds for projects included in the annual report of the Shelter Retrofit Report prepared in accordance with s. 252.385(3). The division must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.~~

~~(2)(a) Forty percent of the total appropriation in paragraph (1)(a) shall be used to inspect and improve tie-downs for mobile homes.~~

~~(b)1. The Manufactured Housing and Mobile Home Mitigation~~

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59 ~~and Enhancement Program is established. The program shall~~
60 ~~require the mitigation of damage to or the enhancement of homes~~
61 ~~for the areas of concern raised by the Department of Highway~~
62 ~~Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on~~
63 ~~the effects of the 2004 and 2005 hurricanes on manufactured and~~
64 ~~mobile homes in this state. The mitigation or enhancement must~~
65 ~~include, but need not be limited to, problems associated with~~
66 ~~weakened trusses, studs, and other structural components caused~~
67 ~~by wood rot or termite damage; site-built additions; or tie-down~~
68 ~~systems and may also address any other issues deemed appropriate~~
69 ~~by Tallahassee Community College, the Federation of Manufactured~~
70 ~~Home Owners of Florida, Inc., the Florida Manufactured Housing~~
71 ~~Association, and the Department of Highway Safety and Motor~~
72 ~~Vehicles. The program shall include an education and outreach~~
73 ~~component to ensure that owners of manufactured and mobile homes~~
74 ~~are aware of the benefits of participation.~~

75 ~~2. The program shall be a grant program that ensures that~~
76 ~~entire manufactured home communities and mobile home parks may~~
77 ~~be improved wherever practicable. The moneys appropriated for~~
78 ~~this program shall be distributed directly to Tallahassee~~
79 ~~Community College for the uses set forth under this subsection.~~

80 ~~3. Upon evidence of completion of the program, the Citizens~~
81 ~~Property Insurance Corporation shall grant, on a pro rata basis,~~
82 ~~actuarially reasonable discounts, credits, or other rate~~
83 ~~differentials or appropriate reductions in deductibles for the~~
84 ~~properties of owners of manufactured homes or mobile homes on~~
85 ~~which fixtures or construction techniques that have been~~
86 ~~demonstrated to reduce the amount of loss in a windstorm have~~
87 ~~been installed or implemented. The discount on the premium must~~

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88 ~~be applied to subsequent renewal premium amounts. Premiums of~~
89 ~~the Citizens Property Insurance Corporation must reflect the~~
90 ~~location of the home and the fact that the home has been~~
91 ~~installed in compliance with building codes adopted after~~
92 ~~Hurricane Andrew. Rates resulting from the completion of the~~
93 ~~Manufactured Housing and Mobile Home Mitigation and Enhancement~~
94 ~~Program are not considered competitive rates for the purposes of~~
95 ~~s. 627.351(6)(d)1. and 2.~~

96 ~~4. On or before January 1 of each year, Tallahassee~~
97 ~~Community College shall provide a report of activities under~~
98 ~~this subsection to the Governor, the President of the Senate,~~
99 ~~and the Speaker of the House of Representatives. The report must~~
100 ~~set forth the number of homes that have taken advantage of the~~
101 ~~program, the types of enhancements and improvements made to the~~
102 ~~manufactured or mobile homes and attachments to such homes, and~~
103 ~~whether there has been an increase in availability of insurance~~
104 ~~products to owners of manufactured or mobile homes.~~

105
106 ~~Tallahassee Community College shall develop the programs set~~
107 ~~forth in this subsection in consultation with the Federation of~~
108 ~~Manufactured Home Owners of Florida, Inc., the Florida~~
109 ~~Manufactured Housing Association, and the Department of Highway~~
110 ~~Safety and Motor Vehicles. The moneys appropriated for the~~
111 ~~programs set forth in this subsection shall be distributed~~
112 ~~directly to Tallahassee Community College to be used as set~~
113 ~~forth in this subsection.~~

114 ~~(3) Of moneys provided to the division in paragraph (1)(a),~~
115 ~~10 percent shall be allocated to the Florida International~~
116 ~~University center dedicated to hurricane research. The center~~

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117 ~~shall develop a preliminary work plan approved by the advisory~~
118 ~~council set forth in subsection (4) to eliminate the state and~~
119 ~~local barriers to upgrading existing mobile homes and~~
120 ~~communities, research and develop a program for the recycling of~~
121 ~~existing older mobile homes, and support programs of research~~
122 ~~and development relating to hurricane loss reduction devices and~~
123 ~~techniques for site-built residences. The State University~~
124 ~~System also shall consult with the division and assist the~~
125 ~~division with the report required under subsection (6).~~

126 ~~(4) Except for the programs set forth in subsection (3),~~
127 ~~the division shall develop the programs set forth in this~~
128 ~~section in consultation with an advisory council consisting of a~~
129 ~~representative designated by the Chief Financial Officer, a~~
130 ~~representative designated by the Florida Home Builders~~
131 ~~Association, a representative designated by the Florida~~
132 ~~Insurance Council, a representative designated by the Federation~~
133 ~~of Manufactured Home Owners, a representative designated by the~~
134 ~~Florida Association of Counties, a representative designated by~~
135 ~~the Florida Manufactured Housing Association, and a~~
136 ~~representative designated by the Florida Building Commission.~~

137 ~~(5) Moneys provided to the division under this section are~~
138 ~~intended to supplement, not supplant, the division's other~~
139 ~~funding sources.~~

140 (3) An advisory council shall be established to provide
141 advice and assistance regarding the administration of the
142 program. The advisory council shall consist of:

143 (a) The Director of the Office of Insurance Regulation, or
144 his or her designee, who may not serve as chair of the
145 committee;

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146 (b) The Insurance Consumer Advocate, or his or her
147 designee;

148 (c) Two representatives of homeowners' insurance companies,
149 one of whom represents small companies and is appointed by the
150 President of the Senate, and one of whom represents large
151 companies and is appointed by the Speaker of the House of
152 Representatives;

153 (d) Two scientists, one of whom has experience and training
154 in the sciences related to wind or the building code and is
155 appointed by the President of the Senate, and one of whom has a
156 background in engineering and is appointed by the Speaker of the
157 House of Representatives;

158 (e) Two legislators, one appointed by the President of the
159 Senate, and one appointed by the Speaker of the House of
160 Representatives;

161 (f) One representative of the reinsurance industry, who is
162 appointed jointly by the President of the Senate and the Speaker
163 of the House of Representatives; and

164 (f) One scientist who has a background in modeling
165 appointed by the division.

166 (4) ~~(6)~~ On January 1st of each year, the division shall
167 provide a full report and accounting of activities under this
168 section and an evaluation of such activities to the Speaker of
169 the House of Representatives, the President of the Senate, and
170 the Majority and Minority Leaders of the House of
171 Representatives and the Senate. Upon completion of the report,
172 the division shall deliver the report to the Office of Insurance
173 Regulation. The Office of Insurance Regulation shall review the
174 report and ~~shall~~ make such recommendations available to the

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insurance industry as the Office of Insurance Regulation deems appropriate. These recommendations may be used by insurers for potential discounts or rebates pursuant to s. 627.0629. The Office of Insurance Regulation shall make such recommendations within 1 year after receiving the report.

(5) ~~(7)~~ This section expires ~~is repealed~~ June 30, 2021.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Military Affairs, Space, and Domestic Security Committee

BILL: SB 2076

INTRODUCER: Military Affairs, Space, and Domestic Security Committee

SUBJECT: Florida Defense Support Task Force

DATE: January 31, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carter	Carter		Favorable
2.				
3.				
4.				
5.				
6.				

I. Summary:

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

This bill substantially amends section 288.987 and repeals section 288.984 of the Florida Statutes.

II. Present Situation:

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

¹ 2010 Florida Defense Industry Economic Impact Analysis. Final Report. Volume 1, Prepared by the Haas Center for Business and Economic Development at the University of West Florida. Published January 2010. Available at: http://webcache.googleusercontent.com/search?hl=en&gbv=2&gs_sm=c&gs_upl=4109111609101142811261241011011012501247110.8.611410&q=cache:-ADbCDD8pAkJ:http://www.floridadefense.org/documents/HAAS%20Study%202011/FLdefense_Volume_1.pdf+florida+defense+industry+economic+impact+analysis&ct=clnk

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

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

The BRAC process reflects a desire to eliminate excess capacity, experience the savings from that reduction and fund higher priority weapon platforms and troop training.⁴ The last round of BRAC was in 2005. At this point in time, there has been no public announcement for the next round of BRAC and no future BRAC rounds scheduled at this time.⁵

It is anticipated that the announcement for the next round of BRAC will be made either by President Obama during the State of the Union (during January of this year) or by the release of the Department of Defense's budget (February 6, 2012).

The Florida Council on Military Base and Mission Support

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

The mission of the council is to:

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

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

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

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

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

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

⁵ Id at 3.

⁶ Section 288.984, F.S.

⁷ Section 288.984(1) (a)-(d), F.S.

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

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

The Florida Defense Support Task Force

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

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

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

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

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

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

⁸ Section 288.984(2) (a) 1-3, F.S.

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

¹⁰ Section 288.987(1) F.S.

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

III. Effect of Proposed Changes:

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

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

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

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By the Committee on Military Affairs, Space, and Domestic Security

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A bill to be entitled
An act relating to the Florida Defense Support Task Force; transferring the functions of the Florida Council on Military Base and Mission Support to the Florida Defense Support Task Force; amending s. 163.3175, F.S.; conforming references; repealing s. 288.984, F.S., relating to the Florida Council on Military Base and Mission Support; amending s. 288.985, F.S.; conforming references; amending s. 288.987, F.S.; revising references to the Department of Economic Opportunity rather than the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor; providing an effective date.

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

Section 1. The powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Defense Support Task Force within the Department of Economic Opportunity.

Section 2. Subsection (3) of section 163.3175, Florida Statutes, is amended to read:

163.3175 Legislative findings on compatibility of

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development with military installations; exchange of information between local governments and military installations.—

(3) The Florida Defense Support Task Force ~~Florida Council on Military Base and Mission Support~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.

Section 3. Section 288.984, Florida Statutes, is repealed.

Section 4. Subsections (1) and (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Task Force ~~Florida Council on Military Base and Mission Support~~ are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or

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59 realign military units and missions from other states or
60 territories.

61 (c) That portion of a record which relates to the state's
62 strategy to retain its military bases during any United States
63 Department of Defense base realignment and closure process and
64 any agreements or proposals to relocate or realign military
65 units and missions.

66 (2) Meetings or portions of meetings of the Florida Defense
67 Support Task Force ~~Florida Council on Military Base and Mission~~
68 ~~Support~~, or a workgroup of the task force ~~council~~, at which
69 records are presented or discussed which are exempt under
70 subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I
71 of the State Constitution.

72 Section 5. Subsections (5) and (7) of section 288.987,
73 Florida Statutes, are amended to read:

74 288.987 Florida Defense Support Task Force.—

75 (5) The executive director of the Department of Economic
76 Opportunity ~~Office of Tourism, Trade, and Economic Development~~
77 ~~within the Executive Office of the Governor~~, or his or her
78 designee, shall serve as the ex officio, nonvoting executive
79 director of the task force.

80 (7) The department ~~Office of Tourism, Trade, and Economic~~
81 ~~Development~~ shall contract with the task force for expenditure
82 of appropriated funds, which may be used by the task force for
83 economic and product research and development, joint planning
84 with host communities to accommodate military missions and
85 prevent base encroachment, advocacy on the state's behalf with
86 federal civilian and military officials, assistance to school
87 districts in providing a smooth transition for large numbers of

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88 additional military-related students, job training and placement
89 for military spouses in communities with high proportions of
90 active duty military personnel, and promotion of the state to
91 military and related contractors and employers. The task force
92 may annually spend up to \$200,000 of funds appropriated to the
93 department ~~Executive Office of the Governor, Office of Tourism,~~
94 ~~Trade, and Economic Development,~~ for the task force for staffing
95 and administrative expenses of the task force, including travel
96 and per diem costs incurred by task force members who are not
97 otherwise eligible for state reimbursement.

98 Section 6. This act shall take effect July 1, 2012.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Vice Chair*
Education Pre-K - 12, *Vice Chair*
Budget - Subcommittee on General Government
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Military Affairs, Space, and Domestic Security
Reapportionment
Rules
Transportation

SENATOR LARCENIA J. BULLARD

39th District

February 1, 2012

The Honorable Thad Altman
Chair
Military Affairs, Space and
Domestic Security
531 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Senator Altman:

I humbly request an excused absence for the February 1, 2012 Military Affairs
Committee meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Bullard", with a stylized flourish at the end.

Senator Larcenia Bullard

LJB/rm

Cc: Matthew M. Carter II, Ph.D., Staff Director
Lois Graham, Committee Administrative Assistant

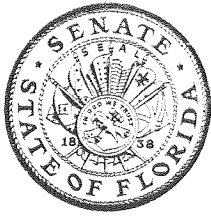
REPLY TO:

☐ 8603 South Dixie Highway, Suite 304, Miami, Florida 33143 (305) 668-7344
■ 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5127

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



SENATOR MIKE FASANO
President Pro Tempore
11th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Banking and Insurance
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Ethics and Elections
Governmental Operations - Policy and Steering
Governmental Oversight and Accountability
Judiciary
Transportation
Ways and Means - Policy and Steering

JOINT COMMITTEE:

Legislative Budget Commission

February 2, 2012

The Honorable Thad Altman, Chairman
Senate Committee on Military Affairs, Space and Domestic Security
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Altman,

Please excuse my absence at the Committee meeting scheduled for yesterday, February 1st, as I was unable to attend. Thank you very much and please let me know if there is anything I can do for you.

Sincerely,

A handwritten signature in black ink that reads "Mike".

Mike Fasano
Florida State Senator, District 11

MF/gc

REPLY TO:

- ☐ 8217 Massachusetts Avenue, New Port Richey, Florida 34653-3111 (727) 848-5885
- ☐ 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5062

Senate's Website: www.flsenate.gov

JEFF ATWATER
President of the Senate

MIKE FASANO
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Case:

Caption: Committee of Military Affairs, Space and Domestic Security

Type:

Judge:

Started: 2/1/2012 3:35:30 PM

Ends: 2/1/2012 4:07:50 PM **Length:** 00:32:21

3:35:32 PM Meeting called to order by Chairman Altman
3:35:44 PM Roll Call by the Administrative Assistant
3:36:04 PM
3:36:16 PM Chair TP 1684
3:37:16 PM Sen. Dean's aide, Travis Hart introduces SB 1632
3:38:13 PM Sen. Dean's aide, Travis Hart introduces SB 1632 Amendment 929330, courtesy
Amendment by Senator Storms
3:38:43 PM SB 1632 amendment 929330 adopted
3:39:02 PM Roll call on SB 1632
3:39:16 PM SB 1632 passes favorably
3:40:08 PM Senator Altman passes gavel to Senator Sachs
3:41:08 PM Senator Altman introduces SB 2076
3:42:30 PM Roll call on SB 2076 by the Administrative Assistant
3:42:37 PM SB 2076 passes favorably
3:42:51 PM Senator Sachs returns gavel to Senator Altman
3:43:12 PM Senator Siplin introduces SB 1528
3:44:58 PM Speaker Andre Pierre representing North Miami, Mayor
3:50:47 PM Speaker Representative Campbell
3:51:30 PM Speaker Hans Mardy representing a non-profit
3:52:18 PM Speaker Wilner C. Charles waves in supports
3:53:07 PM Speaker Frantz Pierre waves in supports
3:53:18 PM Speaker Jean Marcellus waves in supports
3:57:20 PM Speaker Nacivire Charles waves in support
3:58:36 PM Speaker Mark Schlakman
3:58:51 PM
4:00:00 PM
4:00:05 PM Speaker Marjorie Murillo
4:00:58 PM Senator Jones comment
4:03:03 PM Senator Sachs comment
4:04:16 PM Senator Gibson comment
4:05:04 PM Senator Siplin closes on SB 1538
4:05:25 PM Roll call on SB 1538 by the Administrative Assistant
4:05:58 PM SB 1538 passes favorably
4:06:43 PM Senator Bennett favorably on SB 1632 and 2076
4:07:23 PM Senator Storms moves to adjourn
4:07:44 PM