

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
MILITARY AND VETERANS AFFAIRS, SPACE, AND
DOMESTIC SECURITY
Senator Gibson, Chair
Senator Broxson, Vice Chair

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1166 Lee (Similar H 959)	Honor and Remember Flag; Designating the Honor and Remember flag as an emblem of the state; authorizing that the flag be displayed at specified locations, on specified days, and in a specified manner; requiring displayed flags to be manufactured in the United States, etc. MS 03/22/2017 Favorable GO RC	Favorable Yeas 5 Nays 0
2	SB 1224 Passidomo (Similar H 1079)	Public Records and Public Meetings/Responses to Acts of Terrorism; Creating an exemption from public records requirements for portions of an emergency management plan which address a public or nonpublic postsecondary educational institution's response to an act of terrorism; creating an exemption from public records requirements for portions of an emergency management plan which address a public postsecondary educational institution's response to an act of terrorism and which are held by that institution; providing for future legislative review and repeal; providing statements of public necessity, etc. MS 03/22/2017 Fav/CS ED GO	Fav/CS Yeas 5 Nays 0
3	SB 1588 Latvala (Similar H 1235)	Military and Veteran Support; Requiring the Department of Veterans' Affairs to create a website to streamline the procedure for businesses applying for certification as a veteran business enterprise; authorizing the Supreme Court to admit on motion a bar applicant who is the spouse of a servicemember stationed in this state under certain circumstances; requiring the Department of Education to expedite the processing of an application for educator certification submitted by a spouse of a servicemember stationed in this state, etc. MS 03/22/2017 Fav/CS JU AP	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
Wednesday, March 22, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1734 Rouson (Compare CS/CS/H 545, S 1022)	Special License Plates; Providing for special license plates to be issued to Bronze Star or Bronze Star Combat recipients, etc. MS 03/22/2017 Not Considered ATD AP	Not Considered

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

BILL: SB 1166

INTRODUCER: Senators Lee and Torres

SUBJECT: Honor and Remember Flag

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

I. Summary:

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

The bill takes effect January 1, 2018.

II. Present Situation:

Display of Flags

Flag of the United States

Current law requires the flag of the United States to be displayed daily when the weather permits, from a staff upon the state capitol and upon each county courthouse.¹ Additionally, the U.S. flag must be flown on election day at each polling place, at each publicly supported and controlled auditorium, the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution.² Further guidance on the protocol and display of the U.S. flag is provided by the Florida Department of State.³

¹ Section 256.01, F.S.

² Sections 256.011, 256.11, and 1000.06, F.S.

³ See Florida Department of State, *Flag Protocols and Display, The United States Flag*, available at <http://dos.myflorida.com/about-the-department/flag-and-seal-protocol/flag-protocols-and-display/> (last visited March 20, 2017).

State Flag of Florida

Section 256.015, F.S., directs the Governor to adopt a protocol on flag display. The protocol must provide guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.⁴ The state flag must be displayed on the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution.⁵

POW – MIA Flag

A POW-MIA flag must be displayed at each state-owned building at which the U.S. flag is displayed, if the POW-MIA flag is available free of charge to the agency that occupies the building and if such display is in accordance with federal laws and regulations.⁶ The Department of Transportation must display the flag year round at each rest area along an interstate highway in the state.⁷ Additionally, the Department of Environmental Protection must display the POW-MIA flag year round at each state park where the U.S. flag is displayed.⁸

Firefighter Memorial Flag

The Division of State Fire Marshal of the Department of Financial Services is directed by law to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor firefighters who died in the line of duty.⁹ The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.¹⁰

Honor and Remember Flag

The Honor and Remember Flag was created by the 501(c)3 charitable organization Honor and Remember, Inc., to serve as a visible reminder to all Americans of the U.S. military lives that have been lost in the defense and service of our national freedoms.¹¹ The mission of the organization is to establish the Honor and Remember Flag as a nationally recognized flag.¹²

The Honor and Remember Flag has been endorsed by various military veteran related organizations.¹³ Additionally, 21 states have adopted the Honor and Remember Flag as an

⁴ Section 256.015(1), F.S. See also Executive Office of the Governor, *Flag Protocol* (Sept. 26, 2012), available at <http://www.flgov.com/wp-content/uploads/2012/09/EOG-Flag-Protocol-FINAL1.pdf> (last visited March 20, 2017).

⁵ Sections 256.032 and 1000.06, F.S.

⁶ Section 256.12, F.S.

⁷ Section 256.13, F.S.

⁸ Section 256.14, F.S.

⁹ Section 256.15, F.S.

¹⁰ Section 256.15(1), F.S.

¹¹ Honor and Remember, *Our Mission*, available at <http://www.honorandremember.org/our-mission/> (last visited March 20, 2017).

¹² *Id.*

¹³ Honor and Remember, *Supporters, Official Endorsements*, available at <http://www.honorandremember.org/category/supporters/official-endorsements/> (last visited March 20, 2017).

official state symbol of remembrance.¹⁴ Twenty-two additional states, including Florida, have introduced legislation to adopt the flag as an official state symbol.¹⁵

All sales of Honor and Remember Flag merchandise, to include the flag itself, and donations are applied to fulfilling the goals of the organization; encouraging congressional and state adoptions, national awareness and in particular, presenting families of the fallen with personalized flags.¹⁶

III. Effect of Proposed Changes:

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

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

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

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

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

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

The bill takes effect on January 1, 2018.

¹⁴ Honor and Remember, *Legislation, Progress Map*, available at <http://www.honorandremember.org/progress-map/> (last visited March 20, 2017).

¹⁵ *Id.*

¹⁶ Honor and Remember, *FAQ, Where do the donations go?*, available at <http://www.honorandremember.org/faq/> (last visited March 21, 2017).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 256.16 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. 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 Lee

20-01558-17

20171166__

1 A bill to be entitled
 2 An act relating to the Honor and Remember flag;
 3 creating s. 256.16, F.S.; designating the Honor and
 4 Remember flag as an emblem of the state; authorizing
 5 that the flag be displayed at specified locations, on
 6 specified days, and in a specified manner; requiring
 7 displayed flags to be manufactured in the United
 8 States; authorizing local governments to display the
 9 flag; providing an effective date.

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

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

13 256.16 Honor and Remember flag.-
 14 (1) The Honor and Remember flag is designated as the
 15 state's emblem of the service and sacrifice of the brave men and
 16 women of the United States Armed Forces who have given their
 17 lives in the line of duty.
 18 (2) The flag may be displayed:
 19 (a) At the following locations:
 20 1. Each state-owned building at which the United States
 21 flag is displayed.
 22 2. All state-owned military memorials.
 23 3. Any other state-owned location deemed appropriate.
 24 (b) On the following days:
 25 1. Armed Forces Day, the third Saturday in May.
 26 2. Memorial Day, the last Monday in May.
 27 3. Flag Day, June 14.
 28
 29

Page 1 of 2

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

20-01558-17

20171166__

30 4. Independence Day, July 4.
 31 5. National POW-MIA Recognition Day, the third Friday in
 32 September.
 33 6. Veterans' Day, November 11.
 34 7. Gold Star Mother's Day, the last Sunday in September.
 35 8. A day on which a member of the United States Armed
 36 Forces who is a resident of the state loses his or her life in
 37 the line of duty.
 38 (c) In a manner designed to ensure visibility to the
 39 public.
 40 (d) With no more than two additional flags when displayed
 41 together on a flagpole.
 42 (3) A flag displayed pursuant to this section must be
 43 manufactured in the United States.
 44 (4) A local government may choose to display the flag in
 45 accordance with paragraphs (2)(b), (c), and (d) at any local
 46 government building at which the United States flag is displayed
 47 and at any other local government location it deems appropriate.
 48 Section 2. This act shall take effect January 1, 2018.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

To: Senator Gibson, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 10, 2017

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

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Tom Lee".

Senator Tom Lee
Florida Senate, District 20

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

BILL: CS/SB 1224

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Passidomo

SUBJECT: Public Records and Public Meetings/Campus Emergency Response for Public Postsecondary Institutions

DATE: March 24, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>GO</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

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

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

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

The bill takes effect July 1, 2017.

II. Present Situation:

Public Records Law

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

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

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

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

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

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislatures are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

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

Open Meetings Laws

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

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

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). See also *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004).

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ FLA. CONST., art. I, s. 24(b).

¹⁶ FLA. CONST., art. I, s. 24(b).

¹⁷ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the State Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

¹⁸ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

¹⁹ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

²⁰ Section 286.011(1)-(2), F.S.

²¹ Section 268.011(1), F.S.

²² Section 286.011(1), F.S.

²³ Section 286.011(2), F.S.

²⁴ Section 286.011(3), F.S.

The Legislature may create an exemption to open meetings requirements.²⁵ An exemption must pass by a two-thirds vote of the House and the Senate.²⁶ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.²⁷ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.²⁸

Open Government Sunset Review Act

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

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

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

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

²⁵ FLA. CONST., art. I, s. 24(c).

²⁶ FLA. CONST., art. I, s. 24(c).

²⁷ FLA. CONST., art. I, s. 24(c).

²⁸ *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

²⁹ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to section 119.15(2), F.S.

³⁰ Section 119.15(3), F.S.

³¹ Section 119.15(6)(b), F.S.

³² Section 119.15(6)(b)1., F.S.

³³ Section 119.15(6)(b)2., F.S.

³⁴ Section 119.15(6)(b)3., F.S.

³⁵ Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.³⁶ If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.³⁷

Public Records Exemptions for Emergency Plans

The primary public records exemptions applicable to emergency plans are those addressing agency investigations³⁸ and a security system plan.³⁹ These exemptions may apply to some, but not all emergency plans.

Agency Investigations (s. 119.071(2)(d), F.S.)

The agency investigations exemption provides that any comprehensive policy or plan compiled by a criminal justice agency⁴⁰ pertaining to the mobilization, deployment, or tactical operations involved in responding to an emergency⁴¹ are exempt and unavailable for inspection.⁴² This exemption generally applies to any criminal justice agency and does not distinguish between a state or local law enforcement agency level.⁴³

Security System Plan (s. 119.071(3)(a), F.S.)

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

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

-
2. Whom does the exemption uniquely affect, as opposed to the general public?
 3. What is the identifiable public purpose or goal of the exemption?
 4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?
If so, how?
 5. Is the record or meeting protected by another exemption?
 6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁶ FLA. CONST. art. I, s. 24(c).

³⁷ Section 119.15(7), F.S.

³⁸ See s. 119.071(2)(d), F.S.

³⁹ See s. 119.071(3), F.S.

⁴⁰ A criminal justice agency is any law enforcement agency, court, or prosecutor; any other agency charged by law with criminal law enforcement duties; any agency having custody of criminal intelligence information or criminal investigative information; or the Department of Corrections. See s. 119.011(4), F.S.

⁴¹ An emergency is any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property. See s. 252.34(4), F.S.

⁴² *Supra* note 38.

⁴³ This would include a certified law enforcement agency at a state university and subsequently the policies or plans held by those institutions. See e-mail correspondence from FDLE on March 9, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).

- Threat response plans;
- Emergency evacuation plans;
- Sheltering arrangements; or
- Manuals for security personnel, emergency equipment, or security training.⁴⁴

Emergency Planning

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

Comprehensive Emergency Management Plans

The Florida Division of Emergency Management (FDEM) is required by s. 252.35, F.S., to prepare a state comprehensive emergency management plan (CEMP). The CEMP⁴⁸ serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.⁴⁹ The state CEMP is a general all-hazards plan and does not fall under the agency investigations or security system plan exemptions.⁵⁰

The CEMP must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters.⁵¹ Those provisions include:

- An evacuation component;
- A shelter component;
- A post-disaster response and recovery component;
- Additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the FDEM;

⁴⁴ Section 119.071(3)(a)1., F.S.

⁴⁵ Federal Emergency Management Agency, *Plan, Introduction*, available at <https://www.fema.gov/plan> (last visited March 23, 2017).

⁴⁶ A hazard is any event or condition with the potential to cause fatalities, injuries, property damage, infrastructure damage, agricultural loss, environmental damage, business interruption, or other structural and financial loss. Hazards are categorized as either natural, technological, or human-caused. See FDEM, *State of Florida Enhanced Hazard Mitigation Plan, Executive Summary*, 4 (Aug. 2013), available at <http://www.floridadisaster.org/mitigation/State/Index.htm> (last visited March 23, 2017).

⁴⁷ FDEM, *Florida CEMP, Basic Plan*, 7 (2014), available at <http://www.floridadisaster.org/documents/CEMP/2014/2014%20State%20CEMP%20Basic%20Plan.pdf> (last visited March 20, 2017).

⁴⁸ The state CEMP defines the responsibilities of the government, private, volunteer, and non-governmental organizations that comprise the State Emergency Response Team. The CEMP ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of the state's residents and visitors. It is the plan to which Florida's other disaster response plans are aligned. *Supra* note 40.

⁴⁹ FDEM, *CEMP*, available at <http://www.floridadisaster.org/cemp.htm> (last visited March 20, 2017).

⁵⁰ FDEM, *Senate Bill 1224 Analysis* (March 6, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁵¹ Section 252.35(2)(a), F.S.

- A section addressing the need for coordinated and expeditious deployment of state resources, including the Florida National Guard;
- A section establishing a system of communications and warning;
- A section establishing guidelines and schedules for annual exercises; and
- Assignments for lead and support responsibilities to state agencies and personnel.⁵²

The CEMP is developed in coordination with members of the State Emergency Response Team⁵³ (SERT) that have emergency management responsibilities.⁵⁴ Members of the SERT also participate in an annual review of the CEMP to document changes in procedures, lessons learned, identification of improved capabilities, and deficiencies for corrective action.⁵⁵

As part of the SERT, the Department of Education (DOE) and Board of Governors (BOG) of the State University System⁵⁶ each contribute to the state CEMP.

The Florida Department of Education and the Board of Governors require each Florida College System (FCS) institution⁵⁷ and state university,⁵⁸ respectively, to produce and maintain its own CEMP. The type and level of detail contained in a college or university's CEMP and the official custodian of the CEMP would determine if portions of these plans may qualify for the agency investigations or security system plan public record exemptions.

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

Continuity of Operations Plans

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

⁵² Id.

⁵³ The SERT is comprised of FDEM staff, other state agencies, private volunteer organizations, and non-governmental agencies. The state CEMP defines the responsibilities of each member of the SERT. Supra note 40 at 5.

⁵⁴ Supra note 47 at 50.

⁵⁵ Supra note 47 at 51.

⁵⁶ See Fla. Board of Governors. Regulation 3.001(2)(b).

⁵⁷ See e-mail correspondence from DOE on March 21, 2017 (on file with Military and Veterans Affairs, Space and Domestic Security Committee).

⁵⁸ Fla. Board of Governors. Regulation 3.001(2)(c).

⁵⁹ Section 252.38(1)(a), F.S. The FDEM is required to adopt standards and requirements for county CEMPs, assist local governments in preparing and maintaining their CEMP's, and periodically review local government CEMPs for consistency with the state CEMP and the standards and requirements adopted by the FDEM. See s. 252.35(2)(b), F.S.

⁶⁰ Section 252.38(2), F.S.

⁶¹ Supra note 50.

⁶² Id.

⁶³ Section 252.365(3), F.S.

(COOP). A COOP must outline a comprehensive and effective program to ensure the continuity of essential state functions under all circumstances.⁶⁴ It must include, at a minimum, the following elements:

- Identification of essential functions, programs, and personnel;
- Procedures to implement the plan and personnel notification and accountability;
- Delegations of authority and lines of succession;
- Identification of alternative facilities and related infrastructure, including those for communications;
- Identification and protection of vital records and databases; and
- Schedules and procedures for periodic tests, training, and exercises.⁶⁵

As required in statute, the DOE maintains an agency COOP. The BOG maintains a COOP as well that contributes to the DOE's agency COOP.⁶⁶ Both the DOE and BOG require FCS institutions and state universities, respectively, to develop and maintain a COOP.⁶⁷

The FDEM considers the state COOP to be exempt under the security systems exemption in s. 119.071(3), F.S.⁶⁸ Continuity of operations plans developed by state agencies and facilities, to include state colleges and universities, may also be exempt under this security systems public record exemption.

Other Emergency Plans

Emergency plans are not limited to a CEMP or a COOP. Plans such as a CEMP are often supported by a number of annexes or other plans and procedures.⁶⁹ These documents may contain information addressing specific hazards or providing details on how an agency will respond to an emergency. Each plan would need to be analyzed individually to determine whether or not a public record exemption applies.

III. Effect of Proposed Changes:

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

⁶⁴ Section 252.365(3)(a), F.S.

⁶⁵ Section 252.365(3)(b), F.S.

⁶⁶ Supra note 56.

⁶⁷ Supra notes 57 and 58.

⁶⁸ Supra note 50.

⁶⁹ See supra note 47 at 55. The state CEMP is supported by nine other plans and procedures and nine annexes.

Definitions

The bill defines the following terms:

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

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

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

“Custodial agency” includes:

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

Public Record and Public Meeting Exemptions

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

⁷⁰ Section 775.30, F.S., defines terrorism as a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States that intends to intimidate, injure, or coerce a civilian population; influence the policy of a government by intimidation or coercion; or affect the conduct of a government through destruction of property; assassination, murder, kidnapping, or aircraft piracy.

record exemption provided in the bill is remedial in nature and applies to plans held by a custodial agency before, on, or after the effective date of the bill.

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

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

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

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

Public Necessity Statement

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

Breadth of Exemption

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

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

This bill creates section 1004.0962 of the Florida Statutes.

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

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

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

The CS:

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

B. Amendments:

None.



322686

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(1) As used in this section, the term "campus emergency



322686

11 response” means a public postsecondary education institution’s
12 response to or plan for responding to an act of terrorism, as
13 defined by s. 775.30, or other public safety crisis or
14 emergency, and includes information relating to:

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

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

20 (c) Threat response plans.

21 (d) Emergency evacuation plans.

22 (e) Sheltering arrangements.

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

25 (g) Security systems or plans.

26 (h) Vulnerability analyses.

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

29 (j) Postdisaster transportation.

30 (k) Supplies, including drug caches.

31 (l) Staffing.

32 (m) Emergency equipment.

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

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

39 (b) Any portion of a campus emergency response held by a



322686

40 state or local law enforcement agency, a county or municipal
41 emergency management agency, the Executive Office of the
42 Governor, the Department of Education, the Board of Governors of
43 the State University System, or the Division of Emergency
44 Management is exempt from s. 119.07(1) and s. 24(a), Art. I of
45 the State Constitution.

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

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

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

57 Section 2. The Legislature finds that it is a public
58 necessity that those portions of a campus emergency response
59 held by a public postsecondary educational institution which
60 address the response of a public postsecondary educational
61 institution to an act of terrorism and those portions of a
62 campus emergency response of a public postsecondary institution
63 which are filed or shared with a state or local law enforcement
64 agency, a county or municipal emergency management agency, the
65 Executive Office of the Governor, the Department of Education,
66 the Board of Governors of the State University System, or the
67 Division of Emergency Management be made exempt from s.
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the



322686

69 State Constitution. It is also the finding of the Legislature
70 that any portion of a public meeting which would reveal
71 information related to a campus emergency response be made
72 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
73 I of the State Constitution. A campus emergency response affects
74 the health and safety of the students, faculty, staff, and the
75 public at large. If campus emergency responses were made
76 publicly available for inspection or copying, they could be used
77 to hamper or disable the response of a public postsecondary
78 educational institution to an act of terrorism, or other public
79 safety crisis or emergency. If a public postsecondary
80 educational institution's response to these events were hampered
81 or disabled, an increase in the number of Floridians subjected
82 to fatal injury would occur. There is ample existing evidence of
83 the capabilities of terrorists and other criminals to plot,
84 plan, and coordinate complicated acts of terror and violence on
85 university and college campuses all over the country. The
86 aftermath of these events has also showed the importance of
87 viable plans by which public postsecondary educational
88 institutions can respond to terrorist attacks and other public
89 safety crises or emergencies.

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

91
92 ===== T I T L E A M E N D M E N T =====

93 And the title is amended as follows:

94 Delete everything before the enacting clause
95 and insert:

96 A bill to be entitled
97 An act relating to public records and public meetings;



322686

98 creating s. 1004.0962, F.S.; defining the term "campus
99 emergency response"; providing an exemption from
100 public records requirements for those portions of a
101 campus emergency response which address the response
102 of a public postsecondary educational institution to
103 an act of terrorism or other public safety crisis or
104 emergency; providing for retroactive application;
105 providing an exemption from public meeting
106 requirements for any portion of a public meeting which
107 would reveal those portions of a campus emergency
108 response which address the response of a public
109 postsecondary educational institution to an act of
110 terrorism or other public safety crisis or emergency;
111 providing for future legislative review and repeal of
112 the exemptions; providing a statement of public
113 necessity; providing an effective date.



212924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
	.	
	.	
	.	

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

1 **Senate Substitute for Amendment (322686) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 1004.0962 Campus emergency response of a public
9 postsecondary educational institution; public records exemption;
10 public meetings exemption.-



212924

- 11 (1) As used in this section, the term:
- 12 (a) "Campus emergency response" means a public
- 13 postsecondary educational institution's response to an act of
- 14 terrorism, as defined in s. 775.30, or other public safety
- 15 crisis or emergency.
- 16 (b) "Campus emergency response plan" means a plan
- 17 addressing a campus emergency response which includes
- 18 information relating to:
- 19 1. Records, information, photographs, audio and visual
- 20 presentations, schematic diagrams, surveys, recommendations, or
- 21 consultations or portions thereof;
- 22 2. Threat assessments conducted by any agency or private
- 23 entity;
- 24 3. Threat response plans;
- 25 4. Emergency evacuation plans;
- 26 5. Sheltering arrangements;
- 27 6. Manuals for security personnel, emergency equipment, or
- 28 security training;
- 29 7. Security systems or plans;
- 30 8. Vulnerability analyses;
- 31 9. Postdisaster activities, including provisions for
- 32 emergency power, communications, food, and water;
- 33 10. Postdisaster transportation;
- 34 11. Supplies, including drug caches;
- 35 12. Staffing;
- 36 13. Emergency equipment; or
- 37 14. Individual identification of students, faculty, and
- 38 staff; the transfer of records; and methods of responding to
- 39 family inquiries.



212924

40 (c) "Custodial agency" includes:
41 1. A public postsecondary institution;
42 2. A state or local law enforcement agency;
43 3. A county or municipal emergency management agency;
44 4. The Executive Office of the Governor;
45 5. The Department of Education;
46 6. The Board of Governors of the State University system;
47 and
48 7. The Division of Emergency Management.
49 (2) Any portion of a campus emergency response plan
50 addressing the items described in subparagraphs (1) (b) 1.-14.
51 held by a custodial agency is exempt from s. 119.07(1) and s.
52 24(a), Art. I of the State Constitution.
53 (3) The public records exemption provided by this section
54 is remedial in nature, and it is the intent of the Legislature
55 that the exemption apply to portions of campus emergency
56 response plans addressing the items described in subparagraphs
57 (1) (b) 1.-14. held by a custodial agency before, on, or after the
58 effective date of this section.
59 (4) Information made exempt by this section may be
60 disclosed:
61 (a) To another governmental entity if disclosure is
62 necessary for the receiving entity to perform its duties and
63 responsibilities; or
64 (b) Upon showing of good cause before a court of competent
65 jurisdiction.
66 (5) Any portion of a public meeting which would reveal
67 information related to a campus emergency response plan is
68 exempt from s. 286.011 and s. 24(b), Art. I of the State



69 Constitution.

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

74 Section 2. The Legislature finds that it is a public
75 necessity that those portions of a campus emergency response
76 plan of a public postsecondary educational institution held by a
77 custodial agency be exempt from s. 119.07(1), Florida Statutes,
78 and s. 24(a), Article I of the State Constitution. The
79 Legislature also finds that it is a public necessity that any
80 portion of a public meeting which would reveal information
81 related to a campus emergency response plan be made exempt from
82 s. 286.011, Florida Statutes, and s. 24(b), Article I of the
83 State Constitution. A campus emergency response affects the
84 health and safety of the students, faculty, staff, and the
85 public at large. If campus emergency response plans were made
86 publicly available for inspection or copying, they could be used
87 to hamper or disable a campus emergency response. If a campus
88 emergency response were hampered or disabled, an increase in the
89 number of Floridians subjected to fatal injury would occur.
90 There is ample existing evidence of the capabilities of
91 terrorists and other criminals to plot, plan, and coordinate
92 complicated acts of terror and violence on university and
93 college campuses all over the country. The aftermath of these
94 events has also shown the importance of viable campus emergency
95 response plans by which public postsecondary educational
96 institutions can respond to terrorist attacks and other public
97 safety crises or emergencies.



212924

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

99

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

101 And the title is amended as follows:

102 Delete everything before the enacting clause

103 and insert:

104 A bill to be entitled

105 An act relating to public records and public meetings;
106 creating s. 1004.0962, F.S.; defining terms; providing
107 an exemption from public records requirements for a
108 public postsecondary educational institution's campus
109 emergency response plan when held by specified
110 custodial agencies; providing for retroactive
111 application; authorizing disclosure of exempt
112 information under specified circumstances; providing
113 an exemption from public meetings requirements for any
114 portion of a public meeting at which certain
115 components of a campus emergency response plan are
116 discussed; providing for future legislative review and
117 repeal of the exemptions; providing a statement of
118 public necessity; providing an effective date.

By Senator Passidomo

28-00729-17

20171224__

1 A bill to be entitled
 2 An act relating to public records and public meetings;
 3 creating s. 252.64, F.S.; creating an exemption from
 4 public records requirements for portions of an
 5 emergency management plan which address a public or
 6 nonpublic postsecondary educational institution's
 7 response to an act of terrorism; authorizing
 8 disclosure under specified circumstances; creating an
 9 exemption from public records requirements for
 10 portions of an emergency management plan which address
 11 a public postsecondary educational institution's
 12 response to an act of terrorism and which are held by
 13 that institution; providing for retroactive
 14 application; creating an exemption from public
 15 meetings requirements for any portion of a meeting at
 16 which a component of an emergency management plan
 17 which addresses a postsecondary educational
 18 institution's response to an act of terrorism is
 19 discussed; specifying that the Governor's
 20 certification of the sufficiency of a plan's response
 21 to an act of terrorism is not exempt; providing for
 22 future legislative review and repeal; providing
 23 statements of public necessity; providing an effective
 24 date.

25
 26 Be It Enacted by the Legislature of the State of Florida:

27
 28 Section 1. Section 252.64, Florida Statutes, is created to
 29 read:

Page 1 of 5

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

28-00729-17

20171224__

30 252.64 Emergency management plan components addressing a
 31 postsecondary educational institution's response to terrorism;
 32 public records and public meetings exemptions.—
 33 (1) (a) Portions of a comprehensive emergency management
 34 plan which address the response of a public or nonpublic
 35 postsecondary educational institution to an act of terrorism, as
 36 defined by s. 775.30, which are held by the division, a state or
 37 local law enforcement agency, a county or municipal emergency
 38 management agency, the Executive Office of the Governor, or the
 39 Department of Education are confidential and exempt from s.
 40 119.07(1) and s. 24(a), Art. I of the State Constitution.
 41 (b) Information made confidential and exempt by this
 42 subsection may be disclosed by a custodial agency to another
 43 state or a federal agency to prevent, detect, guard against,
 44 respond to, investigate, or manage the consequences of any
 45 attempted or actual act of terrorism or to prosecute those
 46 persons who are responsible for such attempts or acts.
 47 (c) Portions of a comprehensive emergency management plan
 48 which address the response of a public or nonpublic
 49 postsecondary educational institution to an act of terrorism
 50 include those portions addressing:
 51 1. Security systems or plans;
 52 2. Vulnerability analyses;
 53 3. Emergency evacuation transportation;
 54 4. Sheltering arrangements;
 55 5. Postdisaster activities, including provisions for
 56 emergency power, communications, food, and water;
 57 6. Postdisaster transportation;
 58 7. Supplies;

Page 2 of 5

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

28-00729-17

20171224__

8. Staffing;9. Emergency equipment; and10. Individual identification of students, transfer of records, and methods of responding to family inquiries.

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

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

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

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

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

28-00729-17

20171224__

through reenactment by the Legislature.

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

28-00729-17

20171224__

117 substantially outweighs any public benefit that would be
118 achieved by disclosure.

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

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



The Florida Senate

Committee Agenda Request

To: Senator Audrey Gibson, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 6, 2017

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

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "K. Passidomo", with a horizontal line extending to the right.

Senator Kathleen Passidomo
Florida Senate, District 28

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

BILL: CS/SB 1588

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Latvala

SUBJECT: Military and Veteran Support

DATE: March 23, 2017 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon/Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>JU</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

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

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

The bill takes effect July 1, 2017.

II. Present Situation:

Rental Housing Applications for Military Servicemembers

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

Florida Veteran Business Enterprise Opportunity Act

The Florida Veteran Business Enterprise Opportunity Act¹ exists to rectify the economic disadvantage of service-disabled veterans² and to recognize wartime veterans³ for their sacrifices. The Department of Management Services (DMS) Office of Supplier Diversity (OSD) in partnership with the Florida Department of Veterans' Affairs (FDVA) administering the Veteran Business Enterprises (VBE) program. The DMS is responsible for working with the FDVA to establish a certification procedure and either granting, denying, revoking the certification of a VBE. Responsibilities of the FDVA include:

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

The application process for a VBE requires a business to register as a vendor on the My Florida Market Place, which serves as the state's procurement website, and submit the required documentation to the OSD.⁴ In order to be certified as a VBE, a business enterprise must be an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees;
- Has a net worth of \$5 million or less;
- Is domiciled in this state;
- Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans; and
- Is managed and controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

¹ Section 295.187, F.S.

² A service-disabled veteran is defined as a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense. See s. 295.187(3)(b), F.S.

³ A wartime veteran is a veteran that served in a campaign or expedition for which a campaign badge has been authorized or during a specified period of wartime service. See s. 295.187(3)(d), F.S.

⁴ Department of Management Services (DMS), Office of Supplier Diversity (OSD), *Get Certified*, available at http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified (last visited March 18, 2017).

Certification as a VBE by the OSD is valid for a two-year period after which the business must renew its certification. Currently, a VBE can renew its certification online through the DMS website.⁵ During fiscal year 2015-2016, there were 440 Florida businesses with a current certification as a VBE.⁶

Pursuant to s. 295.187, F.S., a VBE is entitled to vendor preference. Vendor preference requires a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified VBE, which are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified VBE.⁷

Admission to Practice Law in Florida

Article V, section 15 of the State Constitution provides that the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.⁸ The requirements and procedures for admission to The Florida Bar are established in the Rules of the Supreme Court Relating to Admissions to the Bar (rules), which are administered by the Florida Board of Bar Examiners.⁹

Persons seeking admission to The Florida Bar must meet the character and fitness qualifications set forth by the rules, file the appropriate applications and fees, and comply with the rules governing background investigations and the bar examination.¹⁰ To be qualified for admission to The Florida Bar, an applicant must produce satisfactory evidence of good moral character, an adequate knowledge of the standards and ideals of the profession, and proof that the applicant is otherwise fit to take the oath and to perform the obligations and responsibilities of an attorney.¹¹

An applicant must also sit for the Florida Bar Examination (exam). The exam consists of two components to include the General Bar Examination and the Multistate Professional Responsibility Examination (MPRE).¹² To be considered for admission to The Florida Bar, an applicant must produce satisfactory evidence of technical competence by passing all parts of the exam.¹³ Additionally, the applicant must hold a bachelor of laws or doctor of jurisprudence from an accredited law school.¹⁴

⁵ DMS, OSD, *Recertification Information*, available at http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified/recertification_information (last visited March 18, 2017).

⁶ DMS, OSD, *OSD Annual Report Fiscal Year 2015-2016* (Feb. 2, 2017), 7, available at http://www.dms.myflorida.com/content/download/130365/809851/OSD_15-16_annual_report_Final.pdf (last visited March 18, 2017).

⁷ Other benefits available to VBEs and other certified business enterprises, including women and minority-owned businesses, include: first tier referrals to state agencies for contract opportunities; business development guidance from established corporations; participation at regional workshops, seminars, and corporate roundtables; and inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.

⁸ Fla. Const. art. V, s. 15

⁹ Fla. Bar Admiss. R. 1-10.

¹⁰ Fla. Bar Admiss. R. 2-10.

¹¹ Fla. Bar Admiss. R. 2-12.

¹² Fla. Bar Admiss. R. 4-11.

¹³ Fla. Bar Admiss. R. 4-13.

¹⁴ Fla. Bar Admiss. R. 4-13.1.a.

Currently, a spouse of a military servicemember is not permitted to practice law in this state without meeting all of the requirements established in the rules. On February 1, 2017, the Florida Board of Bar Examiners filed a petition with the Supreme Court of Florida to amend the rules proposing a new subchapter authorizing military spouses to practice law in Florida under certain circumstances.¹⁵

Florida Educator Certification

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

The DOE issues three types of educator certificates:

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

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

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

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

¹⁵ See Supreme Court of Florida, *Petition to Amend the Rules Regulating the Florida Bar, SC17-156* (Feb. 1, 2017), available at http://jweb.flcourts.org/pls/docket/ds_docket?p_caseyear=2017&p_casenumbr=156 (last visited March 21, 2017).

¹⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁷ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

¹⁸ Section 1012.54, F.S.

¹⁹ Section 1012.56(7)(a), F.S.

²⁰ Section 1012.56(7), F.S.

²¹ Section 1012.55(2), F.S.

²² Section 1012.56(1), F.S.

²³ Section 1012.56(2)(a)-(f), F.S.

- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a nonaccredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

An applicant seeking a professional certificate must:

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

A three-year nonrenewable temporary certificate²⁸ may be issued to an applicant who does not qualify for the professional certificate, but meets the basic eligibility requirements for certification²⁹ and:

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

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge³² within one calendar year after employment in order to remain employed in a position that requires a certificate.³³ The DOE may extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the mastery of general knowledge requirement, are not completed due to serious illness or injury of the applicant or other extraordinary extenuating circumstances.³⁴

²⁴ Section 1012.56(2)(a)-(f), F.S.

²⁵ Section 1012.56(2)(g), F.S. See Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Feb. 23, 2017).

²⁶ Section 1012.56(2)(h), F.S.

²⁷ Section 1012.56(2)(i), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, http://www.fldoe.org/edcert/mast_prof.asp (last visited Feb. 23, 2017).

²⁸ Section 1012.56 (7)(b), F.S.

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

³⁰ Section 1012.56(1)(b), F.S.

³¹ Section 1012.56(5), F.S.

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

³³ Section 1012.56(7), F.S.

³⁴ Id.

Veterans' Training and Coursework

State Board of Education – Florida College System

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

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

Board of Governors - State University System

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

College Credit for Military Training and Education

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

Priority Course Registration for Veterans

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

³⁵ Section 1001.02(1), F.S.

³⁶ Florida Department of Education website, *About Us*, available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us>.

³⁷ State University System of Florida, Board of Governors, *2025 System Strategic Plan*, 5 (March 2016), available at: http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf.

³⁸ *Id.*

³⁹ Chapter 2012-169, Laws of Fla.

⁴⁰ Chapter 2012-159, Laws of Fla.

dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.⁴¹

III. Effect of Proposed Changes:

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

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

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

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

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

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

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

⁴¹ Id.

⁴² The term servicemember is defined in s. 250.01, F.S., as any person serving as a member of the United States Armed forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

requirements for the professional certificate due to the fact that the applicant is the spouse of a servicemember stationed in this state. Current law allows the DOE to extend the validity period of a temporary educator certificate for two years because of serious illness or injury or other extraordinary extenuating circumstances.

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

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

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

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

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

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

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

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

B. Amendments:

None.



187716

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2017	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Before line 29

insert:

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

83.683 Rental application by a servicemember.—

(1) If a landlord requires a prospective tenant to complete a rental application before residing in a rental unit, the landlord must complete processing of a rental application



187716

11 submitted by a prospective tenant who is a servicemember, as
12 defined in s. 250.01, within 7 days after submission and must,
13 within that 7-day period, notify the servicemember in writing of
14 an application approval or denial and, if denied, the reason for
15 denial. If the landlord requires the servicemember's spouse or
16 any adult dependents of the servicemember who are to reside in
17 the same rental unit to submit a rental application, the
18 landlord must process those applications within the same 7-day
19 period. Absent a timely denial of the rental application, the
20 landlord must lease the rental unit to the servicemember if all
21 other terms of the application and lease are complied with.

22 (2) If a condominium association, as defined in chapter
23 718, a cooperative association, as defined in chapter 719, or a
24 homeowners' association, as defined in chapter 720, requires a
25 prospective tenant of a condominium unit, cooperative unit, or
26 parcel within the association's control to complete a rental
27 application before residing in a rental unit or parcel, the
28 association must complete processing of a rental application
29 submitted by a prospective tenant who is a servicemember, as
30 defined in s. 250.01, within 7 days after submission and must,
31 within that 7-day period, notify the servicemember in writing of
32 an application approval or denial and, if denied, the reason for
33 denial. If the association requires the servicemember's spouse
34 or any adult dependents of the servicemember who are to reside
35 in the same unit or parcel to submit a rental application, the
36 association must process those applications within the same 7-
37 day period. Absent a timely denial of the rental application,
38 the association must allow the unit or parcel owner to lease the
39 rental unit or parcel to the servicemember and the landlord must



187716

40 lease the rental unit or parcel to the servicemember if all
41 other terms of the application and lease are complied with.

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

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Between lines 2 and 3

49 insert:

50 amending s. 83.683, F.S.; requiring landlords,
51 condominium associations, cooperative associations,
52 and homeowners' associations that require a
53 servicemember's spouse or certain adult dependents to
54 submit a rental application to complete the processing
55 of the application of within a specified timeframe;

By Senator Latvala

16-01422-17

20171588__

A bill to be entitled

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

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

Section 1. Present paragraph (d) of subsection (6) of

Page 1 of 8

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

16-01422-17

20171588__

section 295.187, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to that subsection, to read:

295.187 Florida Veteran Business Enterprise Opportunity Act.—

(6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The department shall:

(d) Create a website to streamline the procedure for applying for certification as a veteran business enterprise.

Section 2. Subsection (4) is added to section 454.021, Florida Statutes, to read:

454.021 Attorneys; admission to practice law; Supreme Court to govern and regulate.—

(4) (a) The Supreme Court of Florida may admit on motion an applicant as an attorney at law authorized to practice in this state if the applicant is a spouse of a servicemember, as defined in s. 250.01, stationed in this state and upon certification by the Florida Board of Bar Examiners that the applicant meets the following requirements:

1. The applicant has registered in the Defense Enrollment Eligibility Reporting System established by the United States Department of Defense;

2. The applicant holds a Juris Doctor or Bachelor of Laws from a law school accredited by the American Bar Association;

3. The applicant is licensed to practice law in another state, the District of Columbia, or a territory of the United States after having passed a written exam;

4. The applicant can establish that he or she is a member in good standing in all jurisdictions where licensed to practice

Page 2 of 8

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

16-01422-17 20171588__

59 law and that he or she is not currently subject to discipline or
60 a pending disciplinary matter relating to the practice of law;

61 5. The applicant can demonstrate his or her presence in
62 this state as a spouse of a servicemember; and

63 6. The applicant has otherwise fulfilled all requirements
64 for admission to practice law in this state.

65 (b) The Supreme Court of Florida may specify circumstances
66 under which the license and authorization to practice law in
67 this state of an attorney licensed in accordance with paragraph
68 (a) terminates.

69 Section 3. Subsections (1) and (7) of section 1012.56,
70 Florida Statutes, are amended to read:

71 1012.56 Educator certification requirements.—

72 (1) APPLICATION.—Each person seeking certification pursuant
73 to this chapter shall submit a completed application containing
74 the applicant's social security number to the Department of
75 Education and remit the fee required pursuant to s. 1012.59 and
76 rules of the State Board of Education. Pursuant to the federal
77 Personal Responsibility and Work Opportunity Reconciliation Act
78 of 1996, each party is required to provide his or her social
79 security number in accordance with this section. Disclosure of
80 social security numbers obtained through this requirement is
81 limited to the purpose of administration of the Title IV-D
82 program of the Social Security Act for child support
83 enforcement. Pursuant to s. 120.60, the department shall issue
84 within 90 calendar days after the stamped receipted date of the
85 completed application:

86 (a) If the applicant meets the requirements, a professional
87 certificate covering the classification, level, and area for

16-01422-17 20171588__

88 which the applicant is deemed qualified and a document
89 explaining the requirements for renewal of the professional
90 certificate;

91 (b) If the applicant meets the requirements and if
92 requested by an employing school district or an employing
93 private school with a professional education competence
94 demonstration program pursuant to paragraphs (6)(f) and (8)(b),
95 a temporary certificate covering the classification, level, and
96 area for which the applicant is deemed qualified and an official
97 statement of status of eligibility; or

98 (c) If the ~~an~~ applicant does not meet the requirements for
99 either certificate, an official statement of status of
100 eligibility. The statement of status of eligibility must advise
101 the applicant of any qualifications that must be completed to
102 qualify for certification. Each statement of status of
103 eligibility is valid for 3 years after its date of issuance,
104 except as provided in paragraph (2)(d).

105
106 If the applicant is the spouse of a servicemember, as defined in
107 s. 250.01, stationed in this state and if the applicant holds a
108 current professional standard teaching certificate issued by
109 another state, the department shall expedite the processing of
110 the application and issue a certificate or statement as provided
111 under paragraphs (a)-(c) within 60 calendar days after the
112 stamped receipted date of the completed application.

113 (7) TYPES AND TERMS OF CERTIFICATION.—

114 (a) The Department of Education shall issue a professional
115 certificate for a period not to exceed 5 years to any applicant
116 who meets all the requirements outlined in subsection (2) or,

16-01422-17 20171588__

117 for a professional certificate covering grades 6 through 12, any
 118 applicant who:

119 1. Meets the requirements of paragraphs (2)(a)-(h).
 120 2. Holds a master's or higher degree in the area of
 121 science, technology, engineering, or mathematics.
 122 3. Teaches a high school course in the subject of the
 123 advanced degree.
 124 4. Is rated highly effective as determined by the teacher's
 125 performance evaluation under s. 1012.34, based in part on
 126 student performance as measured by a statewide, standardized
 127 assessment or an Advanced Placement, Advanced International
 128 Certificate of Education, or International Baccalaureate
 129 examination.
 130 5. Achieves a passing score on the Florida professional
 131 education competency examination required by state board rule.

132 (b) The department shall issue a temporary certificate to
 133 any applicant who completes the requirements outlined in
 134 paragraphs (2)(a)-(f) and completes the subject area content
 135 requirements specified in state board rule or demonstrates
 136 mastery of subject area knowledge pursuant to subsection (5) and
 137 holds an accredited degree or a degree approved by the
 138 Department of Education at the level required for the subject
 139 area specialization in state board rule.

140 (c) The department shall issue one nonrenewable 2-year
 141 temporary certificate and one nonrenewable 5-year professional
 142 certificate to a qualified applicant who holds a bachelor's
 143 degree in the area of speech-language impairment to allow for
 144 completion of a master's degree program in speech-language
 145 impairment.

16-01422-17 20171588__

146
 147 Each temporary certificate is valid for 3 school fiscal years
 148 and is nonrenewable. However, the requirement in paragraph
 149 (2)(g) must be met within 1 calendar year of the date of
 150 employment under the temporary certificate. Individuals who are
 151 employed under contract at the end of the 1 calendar year time
 152 period may continue to be employed through the end of the school
 153 year in which they have been contracted. A school district shall
 154 not employ, or continue the employment of, an individual in a
 155 position for which a temporary certificate is required beyond
 156 this time period if the individual has not met the requirement
 157 of paragraph (2)(g). The State Board of Education shall adopt
 158 rules to allow the department to extend the validity period of a
 159 temporary certificate for 2 years when the requirements for the
 160 professional certificate, not including the requirement in
 161 paragraph (2)(g), were not completed due to the serious illness
 162 or injury of the applicant, due to the fact that the applicant
 163 is the spouse of a servicemember stationed in this state, or due
 164 to other extraordinary extenuating circumstances. The department
 165 shall reissue the temporary certificate for 2 additional years
 166 upon approval by the Commissioner of Education. A written
 167 request for reissuance of the certificate shall be submitted by
 168 the district school superintendent, the governing authority of a
 169 university lab school, the governing authority of a state-
 170 supported school, or the governing authority of a private
 171 school.

172 Section 4. Legislative findings and intent; continuing
 173 education of veterans of the United States Armed Forces.-The
 174 Legislature finds that many veterans of the United States Armed

16-01422-17 20171588__

175 Forces in this state have completed training and coursework
 176 during their military service, including overseas deployments,
 177 resulting in tangible and quantifiable strides in their pursuit
 178 of a postsecondary degree. The Legislature further finds that
 179 the State Board of Education and the Board of Governors of the
 180 State University System must work together to ensure that
 181 military training and coursework are granted academic credit in
 182 order to assist veterans in continuing their education.
 183 Therefore, it is the intent of the Legislature that the State
 184 Board of Education and the Board of Governors work
 185 collaboratively to:
 186 (1) Align existing degree programs, including, but not
 187 limited to, vocational and technical degrees, at each state
 188 university and Florida College System institution with
 189 applicable military training and experience to maximize academic
 190 credit awarded for such training and experience.
 191 (2) Appoint and train specific faculty within each degree
 192 program at each state university and Florida College System
 193 institution as liaisons and contacts for veterans.
 194 (3) Incorporate outreach services tailored to disabled
 195 veterans into existing disability services on the campus of each
 196 state university and Florida College System institution to make
 197 available to such veterans information on disability services
 198 provided by the United States Department of Veterans Affairs,
 199 other federal and state agencies, and private entities.
 200 (4) Facilitate statewide meetings for personnel at state
 201 universities and Florida College System institutions who provide
 202 student services for veterans to discuss and develop best
 203 practices, exchange ideas and experiences, and attend

Page 7 of 8

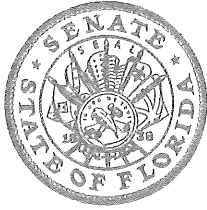
CODING: Words ~~stricken~~ are deletions; words underlined are additions.

16-01422-17 20171588__

204 presentations by individuals with expertise in the unique needs
 205 of veterans.
 206 (5) Make every effort to provide veterans with sufficient
 207 courses required for graduation, including, but not limited to,
 208 giving priority registration to veterans.
 209 Section 5. This act shall take effect July 1, 2017.

Page 8 of 8

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Commerce and Tourism
Environmental Preservation and Conservation
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR JACK LATVALA

16th District

March 14, 2017

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

Dear Chair Gibson,

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

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

Sincerely,

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

Jack Latvala
Senator, 16th District

cc: Elizabeth Ryon, Staff Director

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5016

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/22/17
Meeting Date

1588
Bill Number (if applicable)

187716
Amendment Barcode (if applicable)

Topic MILITARY SUPPORT

Name MARTY BOWEN

Job Title CONSULTANT

Address 108 E JEFFERSON
Street

Phone 850 228-3904

TALLAHASSEE FL 32302
City State Zip

Email m1bbusa@1791.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing GREATER MIAMI CHAMBER OF COMMERCE + DEFENSE ALLIANCE
S. FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
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 Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 1734

INTRODUCER: Senator Rouson

SUBJECT: Special License Plates

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

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

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

The bill takes effect July 1, 2017.

II. Present Situation:

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

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

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

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

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;

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

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

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

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

Bronze Star Medal

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

¹ For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, available at <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Dec. 18, 2015).

² Section 320.089(1)(c) and (2)(a), F.S.

³ Section 320.089(1)(b), F.S.

foreign nation.⁴ The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party.⁵ When the Bronze Star Medal is awarded for valor, the “V” device⁶ is authorized.

Recipients of the Bronze Star Medal must have been receiving imminent danger pay while serving in a geographic area authorized for special pay or as a result of those events.⁷ In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.⁸

III. Effect of Proposed Changes:

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

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

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴ Department of the Army, *Military Awards, Army Regulation 600-8-22*, 42 (Dec. 11, 2006), available at http://www.apd.army.mil/pdffiles/r600_8_22.pdf (last visited March 20, 2017).

⁵ Id.

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

⁷ 10 U.S.C. 1133.

⁸ Department of Defense, *DoD Manual 1348.33, Vol. 3* (December 21, 2016).

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.089 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Rouson

19-01509-17

20171734__

A bill to be entitled

An act relating to special license plates; amending s. 320.089, F.S.; providing for special license plates to be issued to Bronze Star or Bronze Star Combat recipients; making technical changes; providing an effective date.

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

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

320.089 ~~Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners;~~ Special license plates for military service members, veterans, and Pearl Harbor survivors; fee.-

(1) (a) Upon application to the department and payment of the license tax for a vehicle as provided in s. 320.08, a resident of this state who owns or leases ~~Each owner or lessee~~ of an automobile or a truck for private use or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not

Page 1 of 5

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

19-01509-17

20171734__

used for hire or commercial use, shall be issued a license plate, as provided by s. 320.06, pursuant to the following procedure if the applicant provides the department with proof that he or she meets the qualifications specified in this subsection for the applicable license plate:

1. A person released or discharged from any branch ~~who is a resident of the state and a veteran~~ of the United States Armed Forces shall be issued a license plate stamped with the term "Veteran" or, upon request, a "Woman Veteran" followed by the serial number of the license plate.

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

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

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

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

6. A recipient of the Purple Heart medal shall be issued a license plate stamped with the term "Combat-wounded Veteran" followed by the serial number of the license plate. The Purple Heart plate may have the term "Purple Heart" stamped on the

Page 2 of 5

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

19-01509-17 20171734__

59 plate and the likeness of the Purple Heart medal may appear on
60 the plate.

61 7. An active or retired member of any branch of the United
62 States Armed Forces Reserve shall be issued a license plate
63 stamped with the term "U.S. Reserve" followed by the serial
64 number of the license plate.

65 8. A member of the Combat Infantrymen's Association, Inc.,
66 or a recipient of the Combat Infantry Badge, Combat Medical
67 Badge, Combat Action Badge, Combat Action Ribbon, or Air Force
68 Combat Action Medal shall be issued a license plate stamped with
69 the term "Combat Infantry Badge," "Combat Medical Badge,"
70 "Combat Action Badge," "Combat Action Ribbon," or "Air Force
71 Combat Action Medal," as appropriate, and a likeness of the
72 related campaign medal or badge followed by the serial number of
73 the license plate.

74 9. A recipient of the, ~~or~~ Distinguished Flying Cross shall
75 be issued a license plate stamped with the term "Distinguished
76 Flying Cross" and a likeness of the Distinguished Flying Cross
77 followed by the serial number of the license plate.

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

19-01509-17 20171734__

88 ~~proof of membership in the Pearl Harbor Survivors Association or~~
89 ~~proof of active military duty in Pearl Harbor on December 7,~~
90 ~~1941, proof of being a Purple Heart medal recipient, proof of~~
91 ~~active or retired membership in any branch of the United States~~
92 ~~Armed Forces Reserve, or proof of membership in the Combat~~
93 ~~Infantrymen's Association, Inc., proof of being a recipient of~~
94 ~~the Combat Infantry Badge, Combat Medical Badge, Combat Action~~
95 ~~Badge, Combat Action Ribbon, Air Force Combat Action Medal, or~~
96 ~~Distinguished Flying Cross, and upon payment of the license tax~~
97 ~~for the vehicle as provided in s. 320.08, shall be issued a~~
98 ~~license plate as provided by s. 320.06 which, in lieu of the~~
99 ~~serial numbers prescribed by s. 320.06, is stamped with the~~
100 ~~words "Veteran," "Woman Veteran," "WWII Veteran," "Navy~~
101 ~~Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-~~
102 ~~wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"~~
103 ~~"Combat Medical Badge," "Combat Action Badge," "Combat Action~~
104 ~~Ribbon," "Air Force Combat Action Medal," or "Distinguished~~
105 ~~Flying Cross," as appropriate, and a likeness of the related~~
106 ~~campaign medal or badge, followed by the serial number of the~~
107 ~~license plate. Additionally, the Purple Heart plate may have the~~
108 ~~words "Purple Heart" stamped on the plate and the likeness of~~
109 ~~the Purple Heart medal appearing on the plate.~~

110 (b) Notwithstanding any ~~other~~ provision of law to the
111 contrary, beginning with fiscal year 2002-2003 and annually
112 thereafter, the first \$100,000 in general revenue generated from
113 the sale of license plates issued under this section shall be
114 deposited into the Grants and Donations Trust Fund, as described
115 in s. 296.38(2), to be used for the purposes established by law
116 for that trust fund. Any additional general revenue generated

19-01509-17

20171734

117 from the sale of such plates shall be deposited into the State
118 Homes for Veterans Trust Fund and used solely to construct,
119 operate, and maintain domiciliary and nursing homes for
120 veterans, subject to the requirements of chapter 216.

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

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

133 Section 2. This act shall take effect July 1, 2017.



The Florida Senate

Committee Agenda Request

To: Senator Audrey Gibson, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: March 15, 2017

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

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Darryl Rouson".

Senator Darryl Rouson
Florida Senate, District 19

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

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Committee on Military and Veterans Affairs, Space, and Domestic Security
Judge:

Started: 3/22/2017 1:30:10 PM

Ends: 3/22/2017 1:50:01 PM **Length:** 00:19:52

1:30:09 PM Call to Order
1:30:15 PM Roll Call
1:31:23 PM SB 1588 - Military and Veteran Support
1:32:21 PM Amendment 187716
1:33:30 PM Back on Bill as Amended
1:34:25 PM Roll Call Vote
1:35:00 PM SB 1224 - Public Records and Public Meetings/Responses to Acts of Terrorism
1:35:43 PM Amendment 322686
1:36:25 PM Amendment 212924 to Amendment 322686
1:37:01 PM Question - Sen. Bradley
1:37:11 PM Response - Sen. Passidomo
1:37:36 PM Follow up - Sen. Bradley
1:37:45 PM Response - Sen. Passidomo
1:37:52 PM Question - Sen. Gibson
1:38:30 PM Response - Sen. Passidomo
1:39:09 PM Follow up - Sen. Gibson
1:39:37 PM Response - Sen. Passidomo
1:40:22 PM Question - Sen. Broxson
1:40:44 PM Response - Sen. Passidomo
1:41:08 PM Question - Sen. Stargel
1:41:45 PM Response - Sen. Passidomo
1:43:09 PM Debate - Sen. Gibson
1:44:59 PM Back on Bill as Amended
1:45:02 PM Debate - Sen. Stargel
1:45:59 PM Roll Call Vote
1:46:42 PM SB 1166 - Honor and Remember Flag
1:48:33 PM Roll Call Vote
1:49:10 PM Adjourn