

Tab 1	SB 260 by Harrell (CO-INTRODUCERS) Wright, Rodriguez, Cruz; (Similar to H 00231) Services for Veterans and Their Families						
Tab 2	SB 416 by Burgess (CO-INTRODUCERS) Hooper, Bean, Harrell, Perry, Rodriguez; (Identical to H 00163) POW-MIA Veterans Bracelet Memorial						
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Tab 4	SPB 7010 by MS; OGSR/Space Florida						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Wright, Chair
Senator Harrell, Vice Chair

MEETING DATE: Tuesday, February 2, 2021
TIME: 12:30—3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Wright, Chair; Senator Harrell, Vice Chair; Senators Burgess, Cruz, Gibson, Rodriguez, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301

1	SB 260 Harrell (Similar H 231)	Services for Veterans and Their Families; Requiring the Department of Veterans' Affairs to establish the Florida Veterans' Care Coordination Program to provide behavioral health care referral and care coordination services for veterans and their families; requiring the department to contract with a certain nonprofit entity to enter into agreements with Florida 211 Network participants to provide such services; requiring Florida 211 Network participants to collect program implementation data and to submit such data to the department; requiring the department to submit a report to the Governor and the Legislature by a specified date, etc. MS 02/02/2021 Favorable CF AP	Favorable Yeas 7 Nays 0
2	SB 416 Burgess (Identical H 163)	POW-MIA Veterans Bracelet Memorial; Establishing the POW-MIA Veterans Bracelet Memorial; directing the Department of Management Services to designate space for the memorial's construction and placement by a specified date; requiring the department to consider recommendations of, and coordinate with, specified entities regarding the memorial's placement and design, etc. MS 02/02/2021 Fav/CS GO RC	Fav/CS Yeas 7 Nays 0
3	Consideration of proposed bill:		
4	SPB 7010	OGSR/Space Florida; Amending a provision which provides an exemption from public records requirements for records of Space Florida regarding information relating to trade secrets; removing the scheduled repeal of the exemption, etc.	Submitted and Reported Favorably as Committee Bill Yeas 5 Nays 2

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
Tuesday, February 2, 2021, 12:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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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 260

INTRODUCER: Senator Harrell

SUBJECT: Services for Veterans and Their Families

DATE: February 2, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Favorable</u>
2.	_____	_____	<u>CF</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 260 creates the Florida Veterans' Care Coordination Program (Program), to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse. Through the Program, a veteran may call a separate veteran-dedicated support line to receive assistance and support from a fellow veteran who is trained to respond to the calls for assistance.

The bill requires the Florida Department of Veterans' Affairs (FDVA) to establish the Program. To provide services, the FDVA must contract with a nonprofit entity that has statewide phone capacity to serve veterans and is accredited by the Council on Accreditation and fully accredited by the Alliance of Information and Referral Services. The contracting entity must enter into agreements with Florida 211 Network participants to provide services to veterans.

The bill models the Program after the pilot program established in 2014 by the Crisis Center of Tampa Bay and the Florida Department of Veterans' Affairs (FDVA) in Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties.

The bill specifies goals, services, and follow-up requirements.

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

Going forward, the bill may have a fiscal impact on state government. Current funding for the program is set to expire September 30, 2021. Should the funding not be extended, annual recurring costs to operate the statewide program have been estimated in previous years at \$2 million from General Revenue.

II. Present Situation:

Veterans and Mental Health and/or Substance Abuse

More than 1.5 million veterans currently live in Florida, making the state's veteran population the third largest nationally.¹ Veterans face unique challenges, and some struggle with mental health and substance abuse.

Posttraumatic Stress Disorder (PTSD) is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event, including war or combat.²

The National Center for PTSD, U.S. Department of Veterans Affairs (VA), lists the percentage of veterans with PTSD by service era:

- Between 11 and 20 percent of veterans who served in Operations Iraqi Freedom and Enduring Freedom have PTSD in a given year.
- About 12 percent of veterans who served in the Gulf War have PTSD in a given year.
- About 15 percent of veterans of the Vietnam War were diagnosed with PTSD at the time of the most recent study in the late 1980's. However, it is estimated that about 30 percent of veterans of the Vietnam War have had PTSD in their lifetimes.³

A strong association exists between PTSD and substance use disorders (SUD) amongst veterans. Statistics show:

- More than two in 10 veterans with PTSD also have SUD;
- Almost one in three veterans seeking treatment for SUD also have PTSD;
- About one in 10 veterans returning from the wars in Iraq and Afghanistan seen at the VA have problems with alcohol or other drugs.⁴

Suicide rates for veterans continue to be a cause of national concern:

- More than 6,000 veterans committed suicide each year from 2008 to 2016.
- In 2016, the suicide rate was 1.5 times greater for veterans than for non-veteran adults, after adjusting for age and gender.⁵

From 2005 to 2016, the increase in suicide rate among veterans in Veterans Hospital Administration (VHA) care was lower than among veterans not in VHA care.⁶

¹ Florida Department of Veterans' Affairs, *Our Veterans*, available at <http://floridavets.org/our-veterans/> (last visited Jan. 13, 2021).

² American Psychiatric Association, *What is Posttraumatic Stress Disorder?*, available at <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd> (last visited Jan. 13, 2021).

³ National Center for PTSD, U.S. Dep't of Veterans Affairs, *How Common is PTSD in Veterans?*, available at https://www.ptsd.va.gov/understand/common/common_veterans.asp (last visited Jan. 13, 2021).

⁴ National Center for PTSD, U.S. Dep't of Veterans Affairs, *PTSD and Substance Abuse in Veterans*, available at https://www.ptsd.va.gov/understand/related/substance_abuse_vet.asp (last visited Jan. 13, 2021).

⁵ Office of Mental Health and Suicide Prevention, U.S. Dep't of Veterans Affairs, *VA National Suicide Data Report 2005-2016*, pg. 3, available at https://www.mentalhealth.va.gov/docs/data-sheets/OMHSP_National_Suicide_Data_Report_2005-2016_508.pdf (last visited Jan. 28, 2021).

⁶ *Id.*

Florida Alliance of Information and Referral Services (FLAIRS)

Each year, 16 million people in the United States call 2-1-1 for help with basic needs like food and shelter, and emergency needs, such as mental health, addiction, and suicide intervention.⁷ The Florida Alliance of Information and Referral Services (FLAIRS) is the 211 collaborative organization for the state responsible for designing, studying, and implementing the Florida 211 Network.⁸ The mission of the FLAIRS is to strengthen the health and human service information and referral provider network in the state through advocacy, coordination, and education.⁹

The Florida 211 Network, established in s. 408.918, F.S., operates as the single point of coordination for information and referral of health and human services.¹⁰ As of February 20, 2017, 22 Florida 211 Network providers operated across the state.¹¹

To participate in the Florida 211 Network, a 211 provider must be fully accredited by the National Alliance of Information and Referral Services or have received approval to operate, pending accreditation from its affiliate, the FLAIRS.¹²

The Council on Accreditation

The Council on Accreditation (COA) is an international accrediting entity that accredits private and public organizations and programs that provide human services.¹³ The COA specifically accredits entities providing child welfare, behavioral health, and community-based social services.¹⁴

Pilot Program and Statewide Expansion

Pilot Program

In 2014, the Crisis Center of Tampa Bay launched a pilot program through its existing 211 Network to offer a separate dedicated phone line for state veterans in need of support. The Program expanded existing 211 services, including behavioral health care service referrals, to veterans in Hillsborough, Pasco, Pinellas, Polk, and Manatee counties.¹⁵

⁷ The Florida Alliance of Information and Referral Services (FLAIRS), *211 Counts.org*, available at <http://www.flairs.org/211counts/> (last visited Jan. 14, 2021). For a breakdown of needs by center on the FLAIRS website, see *What are the Most Pressing Needs for Your Community?*, available at <https://211counts.org/home/index> (last visited Jan. 14, 2021).

⁸ Section 408.918(3), F.S.

⁹ The Florida Alliance of Information and Referral Services (FLAIRS), *Mission*, available at <http://www.flairs.org/mission/> (last visited Jan. 14, 2021).

¹⁰ Section 408.918(1), F.S.

¹¹ The Florida Alliance of Information and Referral Services (FLAIRS), *Florida 2-1-1 Network Map*, available at <http://www.flairs.org/wp-content/uploads/sites/13/2017/03/FL-211-providers-and-coverage-areas-022717.pdf> (last visited Jan. 14, 2021).

¹² Section 408.918(2), F.S.; The full accreditation process requires a remote database review, consultation component, on-site review, and demonstration of a call handling component, as well as payment of a membership fee. <https://www.airs.org/i4a/pages/index.cfm?pageid=3286> (last visited Jan. 14, 2021).

¹³ Council on Accreditation, available at <http://coanet.org/home/> (last visited Jan. 14, 2021).

¹⁴ Council on Accreditation, available at <http://coanet.org/faq/> (last visited Jan. 14, 2021).

¹⁵ Specific Appropriation 595, ch. 2014-51, L.O.F., available at <http://laws.flrules.org/2014/51> (last visited Jan. 15, 2021).

Under the Crisis Center's Peer-to-Peer Care Coordination model, callers to the support line talk to a fellow veteran who will provide emotional support and assistance and referral to VA and non-VA services, including for medical care, housing, counseling, legal, and employment assistance.¹⁶

History of Funding for the Pilot Program

Since the launch of the pilot program, funding has been provided as follows:

- 2014 - 2015: The 2014 Legislature provided an appropriation of \$150,000 in nonrecurring funds to the Crisis Center of Tampa Bay to create the pilot program. With the appropriation, in August 2014, the Crisis Center of Tampa Bay expanded its services to veterans and hired veterans to answer crisis calls. The Crisis Center launched the Florida Veterans Support Line in November 2014. The Department of Children and Families (DCF) has continued the annual appropriation of \$150,000 to continue the pilot program.¹⁷
- 2017 - 2018: The Legislature funded \$400,000 in nonrecurring dollars from general revenue through the FDVA for statewide expansion of the dedicated call line and a marketing campaign to inform the public about the call line. Funding was not allotted for statewide Peer-to-Peer Care Coordination.¹⁸ To date, this was the last legislative appropriation provided.
- 2018 - 2019: The FDVA provided \$1 million in funding for the statewide program, including Peer-to-Peer Care Coordination. To ensure full statewide implementation, the Department of Children and Families (DCF) matched in full the FDVA's funding through a federal grant.
- 2019 - 2020: The FDVA provided \$1 million in funding, matched in full by the DCF.
- 2020 - 2021: The FDVA provided \$1 million in funding, matched in full by the DCF.¹⁹

Both of the sources of funding provided for the last three fiscal years are set to expire September 30, 2021, though may possible be extended to September 2024, pending funding allocation.²⁰

Use of the Program by Veterans

Since the Crisis Center implemented the pilot program in 2014, veteran and veteran family participation has steadily increased.

¹⁶ Crisis Center of Tampa Bay, *Florida Veterans Support Line, What we offer*, available at <https://www.myflvet.com/about-1> (last visited Jan. 15, 2021).

¹⁷ Crisis Center of Tampa Bay, *Overview of Current Funding* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁸ *Id.*, The nonrecurring \$400,000 is provided in Specific Appropriation 575 of ch. 2017-70, L.O.F., available at <http://laws.flrules.org/2017/70>.

¹⁹ Crisis Center of Tampa Bay, *supra* note 16; Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis, SB 260* (Jan. 25, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁰ Crisis Center of Tampa Bay, *Florida Veterans Support Line, Current Funding* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

Region Served	Fiscal Year	Veterans Served	Services Referred	Suicide Concerns	Peer-to-Peer Care Coordination - Crisis Center of Tampa Bay Only
5 Counties	2014-2015	1,135	925	179	626 ²¹
5 Counties	2015-2016	1,315	1,478	207	750 ²²
5 Counties	2016-2017	3,420	3,641	538	768 ²³
Statewide	2017-2018	28,962	49,932	396 ²⁴	880 ²⁵
Statewide	2018-2019	17,699	35,150	431	2,274 ²⁶
Statewide	2019-2020	25,800	55,012	201	5,639 ²⁷
Statewide	2020-2021	6,890	19,707	67	1,658 ²⁸

III. Effect of Proposed Changes:

SB 260 creates the Florida Veterans’ Care Coordination Program (Program) as a statewide program, to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse. Through the Program, a veteran who calls a dedicated support line receives assistance and support from a trained fellow veteran.

The bill requires the Florida Department of Veterans’ Affairs (FDVA) to establish the Program. To provide services, the FDVA must contract with a nonprofit entity that has statewide phone capacity to serve veterans and is accredited by the Council on Accreditation and fully accredited by the National Alliance of Information and Referral Services. The entity must enter into agreements with Florida 211 Network participants to provide services to veterans.

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

Program Goals and Services

Program goals are to prevent suicide by a veteran and increase veteran participation in programs and services provided by the VA and community-based programs and services.

Program services must include:

- Telephonic peer support, crisis intervention, and information on referral resources;

²¹ Crisis Center of Tampa Bay, *Overview of the 1-844-MYFLVET Support Line* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²² *Id.*

²³ *Id.*

²⁴ This number is reflected for the Crisis Center of Tampa Bay only.

²⁵ Crisis Center of Tampa Bay, *Overview of the 1-844-MYFLVET Support Line* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁶ Crisis Center of Tampa Bay, *Florida Veterans Support Line, Statewide Data, Fiscal Year 2019, Fiscal Year 2020, Fiscal Year 2021 - Q1* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁷ *Id.*

²⁸ *Id.* The totals for the most recent fiscal year reflect the first quarter of the 2020-2021 fiscal year, October through December 2020.

- Treatment coordination, including coordination of follow-up care;
- Assessment of suicide risk as part of an immediate needs assessment, including safety planning and support;
- Promotion of the safety and wellness of veterans and their families, including continuous safety planning and support; and
- Resource coordination, including data analysis, to facilitate acceptance, enrollment, and attendance of veterans and their families in programs and services provided by the VA and other available community-based programs and services.

The bill requires program teams to:

- Document calls and data, and track the number and nature of requests from veterans and family members;
- Follow up with callers to determine if they have pursued referrals and whether additional help is needed; and
- Implement communication strategies to educate veterans and their families about programs and services provided by the VA and other community-based programs and services.

To educate others about the Program:

- Florida 211 network participants must establish and maintain a database of services available locally.
- Both the FDVA and its contractor must work with managing entities to educate service providers about the Florida Veterans Support Line and the Program.

Data Collection and Report

Florida 211 Network participants must provide all collected data to the FDVA, as directed by the FDVA. By December 15, 2022, the FDVA must then submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives.

The report must include:

- The nature, number, and outcome of each call received;
- Demographic information on each caller; and
- Follow-up by the program team, including timeliness and positive outcomes.

Although the bill may have a fiscal impact on state government, the bill does not provide for funding.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Veterans and their families may financially benefit from having greater access to treatments and services specifically designed for veterans with mental health or substance abuse issues, including programs offered through the United States Department of Veterans Affairs and community-based services.

C. Government Sector Impact:

The bill requires the FDVA to provide statewide dedicated behavioral healthcare referral services, as well as mental health and substance abuse services to veterans and their families through the state's 211 Network. According to the FDVA, funding was provided last year through the Department of Children and Families Opioid Grant that provides \$1,000,000 for two years. Additionally, the VA Sunshine Healthcare Network²⁹ matched the grant funding with \$1,000,000 for three years, with an option for another two years. Both sources of funding are scheduled to expire September 30, 2021, unless extended.³⁰ Should funding not be extended, annual recurring costs to operate the program statewide have been previously estimated at \$2 million from General Revenue.

VI. Technical Deficiencies:

None.

²⁹ The VA Sunshine Healthcare Network provides a variety of medical services to veterans through an expansive regional coverage, including Florida; available at: <https://www.visn8.va.gov/ccs.asp> (last visited Jan. 28, 2021).

³⁰ Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis, SB 260* (Jan. 25, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 394.9087, Florida Statutes.

IX. Additional Information:

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

None.

B. **Amendments:**

None.

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

By Senator Harrell

25-00487-21

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A bill to be entitled

An act relating to services for veterans and their families; creating s. 394.9087, F.S.; requiring the Department of Veterans' Affairs to establish the Florida Veterans' Care Coordination Program to provide behavioral health care referral and care coordination services for veterans and their families; requiring the department to contract with a certain nonprofit entity to enter into agreements with Florida 211 Network participants to provide such services; providing program goals; providing for the statewide delivery of specified services by program teams; requiring Florida 211 Network participants to collect program implementation data and to submit such data to the department; requiring the department to submit a report to the Governor and the Legislature by a specified date; providing requirements for the report; providing an effective date.

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

Section 1. Section 394.9087, Florida Statutes, is created to read:

394.9087 Florida Veterans' Care Coordination Program.—

(1) The Department of Veterans' Affairs shall establish the Florida Veterans' Care Coordination Program. The Department of Veterans' Affairs shall contract with a nonprofit entity that is accredited by the Council on Accreditation, is fully accredited by the National Alliance of Information and Referral Services,

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and has statewide phone capacity to serve veterans to enter into agreements with Florida 211 Network participants to provide veterans and their families in this state with dedicated behavioral health care referral services, especially mental health and substance abuse services. The Department of Veterans' Affairs shall model the program after the proof-of-concept pilot program established in 2014 by the Crisis Center of Tampa Bay and the Department of Veterans' Affairs in Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties.

(2) The goals of the program are to:

(a) Prevent suicides by veterans.

(b) Increase veterans' use of programs and services provided by the United States Department of Veterans Affairs.

(c) Increase the number of veterans who use other available community-based programs and services.

(3) The program must be available statewide. Program services must be provided by program teams operated by Florida 211 Network participants as authorized by s. 408.918. A Florida 211 Network participant may provide services in more than one geographic area under a single contract.

(4) The program teams shall provide referral and care coordination services to veterans and their families and expand the existing Florida 211 Network to include the optimal range of veterans' service organizations and programs. Florida 211 Network participants in the Florida Veterans' Care Coordination Program must include all of the following:

(a) Telephonic peer support, crisis intervention, and the communication of information on referral resources.

(b) Treatment coordination, including coordination of

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59 followup care.

60 (c) Suicide risk assessment.

61 (d) Promotion of the safety and wellness of veterans and
62 their families, including continuous safety planning and
63 support.

64 (e) Resource coordination, including data analysis, to
65 facilitate acceptance, enrollment, and attendance of veterans
66 and their families in programs and services provided by the
67 United States Department of Veterans Affairs and other available
68 community-based programs and services.

69 (f) Immediate needs assessments, including safety planning
70 and support.

71 (5) To enhance program services, program teams shall:

72 (a) Track the number of requests from callers who are
73 veterans or members of a veteran's family.

74 (b) Follow up with callers who are veterans or members of a
75 veteran's family to determine whether they have acted on the
76 referrals or received the assistance needed and whether
77 additional referral or advocacy is needed.

78 (c) Develop and implement communication strategies, such as
79 media promotions, public service announcements, print and
80 Internet articles, and community presentations, to inform
81 veterans and their families about available programs and
82 services provided by the United States Department of Veterans
83 Affairs and other available community-based programs and
84 services.

85 (d) Document all calls and capture all necessary data to
86 improve outreach to veterans and their families and report such
87 data to the contracted entity.

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88 (6) Florida 211 Network participants in the Florida
89 Veterans' Care Coordination Program shall maintain a database of
90 veteran-specific services available in the communities served by
91 the program. The Department of Veterans' Affairs and its
92 selected contractor shall work with managing entities as defined
93 in s. 394.9082(2) (e) to educate service providers about the
94 Florida Veterans Support Line and the Florida Veterans' Care
95 Coordination Program.

96 (7) Florida 211 Network participants shall collect data on
97 the program and submit such data to the Department of Veterans'
98 Affairs in the format prescribed by the Department of Veterans'
99 Affairs. The Department of Veterans' Affairs shall use such data
100 to prepare a report for submittal to the Governor, the President
101 of the Senate, and the Speaker of the House of Representatives
102 by December 15, 2022. The report must include all of the
103 following:

104 (a) The number of calls received.

105 (b) Demographic information for each caller, including, but
106 not limited to, the caller's military affiliation, the caller's
107 veteran status, and whether the caller is receiving services
108 provided by the United States Department of Veterans Affairs or
109 other available community-based programs and services.

110 (c) The nature of each call, including, but not limited to,
111 the concerns prompting the call and the services requested.

112 (d) The outcome of each call, including, but not limited
113 to, the services for which referrals were made and the
114 organizations to which the caller was referred.

115 (e) Services received as a result of each call.

116 (f) Information regarding followup by the program team,

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117 including, but not limited to, the percentage of calls receiving
118 followup and the outcome of such followup.

119 (g) Information regarding the program's impact on each
120 caller's quality of life and on the avoidance of negative
121 outcomes, including arrest and suicide.

122 (h) Each caller's level of satisfaction with program
123 services.

124 Section 2. This act shall take effect July 1, 2021.



CRISIS CENTER
OF TAMPA BAY
Help. Hope. Healing.

FLORIDA VETERANS SUPPORT LINE 1-844-MYFLVET

Statewide Data
Fiscal Year 2019
Fiscal Year 2020
FY 2021 - Q1

Clara A. Reynolds, President and CEO

17,699	Veterans served
431	Veterans who identified with suicide risks/lethality concerns
2,274	Veterans served through Care Coordination
35,150	Veterans referrals made
4452	Veterans resources currently available

FVSL Statewide FY 2019

February-September

(Full statewide implementation in February 2019)



**CRISIS CENTER
OF TAMPA BAY**

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CRISIS CENTER
OF TAMPA BAY
Help. Hope. Healing.

FVSL Statewide FY 2020

Calls:

25,800 Statewide Veteran
Calls

Linkage to Services:

55,012 referrals

Care Coordination:

5,639 Veterans received
Care Coordination

201 Veterans with Suicidality
received Care Coordination

<u>Month</u>	<u>Area</u>	<u>Calls</u>	<u>Referrals</u>	<u>Care Coordination</u>	<u>Suicide Concerns</u>
OCT' 20	Hillsborough	244	129	67	39
OCT' 20	Statewide	2,255	6,309	519	45
NOV' 20	Hillsborough	263	489	112	2
NOV' 20	Statewide	2,435	6,331	540	9
DEC' 20	Hillsborough	250	782	93	2
DEC' 20	Statewide	2,200	7,067	599	13
Total	Hillsborough	757	1,400	272	43
TOTAL	Statewide	6,890	19,707	1,658	67

FVSL Statewide
Fiscal Year 2021
Quarter 1



CRISIS CENTER
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FLORIDA VETERANS SUPPORT LINE 1-844-MYFLVET

Clara A. Reynolds, President and CEO
creynolds@crisiscenter.com

Sunny Hall, VP Client Services
shall@crisiscenter.com

1-844-MYFLVET

Florida Veterans Support Line (FVSL)

The Crisis Center of Tampa Bay (Crisis Center) executed contracts with the U.S. Department of Veterans Affairs (VA) and the Florida Department of Children and Families (DCF) to provide Crisis Intervention and Peer-to-Peer Care Coordination to Florida Veterans and their families. The service is provided utilizing the existing 2-1-1 network of providers throughout the state. The Crisis Center recruited and trained ten providers that provide 2-1-1 call center services. These providers subcontract with the Crisis Center to expand their services to include Care Coordination. The program currently employs 31 Veterans around the state to provide Peer-to-Peer Care Coordination and Resource Development/Management in every area of the state. Funding is regional but many counties do not have a dedicated FVSL service. **The goal is to ensure that veterans in all 67 counties in Florida have access to a Peer Care Coordinator through the Florida Veterans Support Line.** This map represents the breadth of coverage required of the current providers. Most of the providers have no more than two Care Coordinators to cover such a wide expanse of veteran populations, leaving gaps in services for half of the counties in the state.



Current Funding

U.S. Department of Veterans Affairs: \$1,102,502

Total Duration: September 2018 – September 2021

Department of Children and Families: \$1,070,000

Total Duration: February 2019 – September 2021

(Possible extension for three more years to September 2024, pending funding allocation)

Full implementation for statewide coverage = \$4.5 million recurring funds to employee, train, and support 62 veterans to provide services to 11,250 veterans per year in Florida

Analysis of Capacity

Current Capacity – Funded at \$2.1 million through DCF and VISN8 – Funding to end in September 2021

	Care Coordinators	Resource Specialists
DCF Funded Staff	13	4
VA Funded Staff	7	7
Current Total	20	11
Current Service Capacity	5600 Veterans	

Projected Need for Full Expanded Capacity – Additional \$2.4 million to add staff and resources

Additional Staff Needed	Care Coordinators	Resource Specialists
	21 more – 41 Total	10 more – 21 Total
Projected Capacity	11,250 Veterans	

In a report to the Department of Children and Families, the Crisis Center presented the analysis regarding the current capacity versus needed resources.

- Florida Veteran Population = **1.5 million**
- Veterans eligible for services through Veterans Integrated Services Network (VISN 8) = **500,000**
- Veterans eligible for services through the Florida Veterans' Support Line Care Coordination Program = **1 million**
- Historical data reflects that 15% of the 1 million need Crisis Intervention = **150,000**
- Crisis Center data reflects that 10% of veterans who call for Crisis Intervention request Care Coordination Services = **15,000**
- Crisis Center data reflects that 75% of veterans who request Care Coordination, continue with the program until linked to ongoing services = **11,250**

Best Practices Review

- Council on Accreditation (COA) Standards indicate that the optimum caseload for Care Coordination should be no more than 1:20
- Crisis Center Best Practices based on COA Guidelines: To maintain an active caseload of 1:20 at any given time, a Care Coordinator should receive maximum of 40 referrals per month (280 yr.)
- Resource Specialist Ratio to Counties Served varies per size of the county, the population of veterans and the acuity of the needs of the client

Clara A. Reynolds, President and CEO
Crisis Center of Tampa Bay



Overview of the 1-844-MYFLVET Support Line Crisis Center of Tampa Bay

Region Served	Fiscal Year	Veterans Served	Services Referred	Suicide Concerns	Care Coordination by Peers - Crisis Center Only
5 Counties served by the Crisis Center	2015	1135	925	179	626
5 Counties served by the Crisis Center	2016	1315	1478	207	750
5 Counties served by the Crisis Center	2017	3420	3641	538	768
Statewide - 1st Year	2018	28,962	49,932	396 – Crisis Center only	880

Funding for the statewide expansion ended on June 30, 2018. That funding was to answer calls and provide referrals. It did not include Care Coordination. The VA funding began on September 28, 2018. The DCF funding began on March 1, 2019. Those resources will allow for the statewide expansion of call answering and Peer-to-Peer Care Coordination. Details of that funding is in this report.

Overview

The Crisis Center of Tampa Bay (Crisis Center) executed contracts with the Department of Veterans Affairs and the Florida Department of Children and Families to provide Crisis Intervention and Peer-to-Peer Care Coordination to Florida Veterans and their families. The service is to be provided utilizing the existing 2-1-1 network of providers throughout the state. The Crisis Center has recruited and is training eleven (11) providers that currently provide 2-1-1 call center services. These providers have entered into a subcontract with the Crisis Center to expand their services. When fully functional, the program will employ 32 Veterans around the state to provide Peer-to-Peer Care Coordination and Resource Development/Management in every county of the state.

Background Information

According to the Department of Veteran Affairs (VA), Florida currently is home to over 1.5 million veteran residents, making it the state with the third largest population of veterans in the nation. In

2014, the Statewide Veterans Advisory Council and Florida Alliance of Information and Referral Services (FLAIRS) recognized that we could be doing a better job of caring for our veterans and decided to take action to fill this service gap. This group wanted to create a phone line similar to 2-1-1 information and referral lines that was dedicated solely to connecting Florida’s veterans with needed community and VA-funded services.

The concept was brought to the attention of the Crisis Center and we quickly realized this effort fit perfectly in line with our mission and vision. In addition to the dedicated phone line, the Crisis Center recognized that it would be beneficial for veterans to speak to a peer – a fellow veteran who has experienced the transition from military to civilian life. Our experience with suicidal callers, and research by SAMSHA, reinforced the importance of providing care coordination services to callers in order to increase engagement and successful outcomes.

In the 2014 Legislative session, the State of Florida appropriated funding for the first year of the Florida Veteran Support Line. The State budget included \$150,000 to be distributed to the Crisis Center through the Florida Department of Veteran Affairs (FDVA). The Crisis Center was tasked with creating an operational service for the five-county area around Tampa Bay – Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties. The funding was used to establish a dedicated phone line (1-844-MYFLVET), hire and train Peer-to-Peer Care Coordinators, maintain a veteran-specific resource database, conduct marketing and outreach, and manage daily operations. The Department of Children and Families continued that funding through 2017.

In 2017, the FDVA provided one-time funding of \$400,000 to expand the 844-MYFLVET line statewide. The funding was used for training and implementation of frontline call answering by 2-1-1 agencies around the state. Funding was also used to create and implement a statewide marketing campaign to raise awareness toward the 844-MYFLVET line. There was no funding to expand the Peer-to-Peer Care Coordination component of the program.

In 2018, the Veterans Administration agreed to partially fund the implementation of Peer-to-Peer Care Coordination around the state. The Department of Children and Families agreed to match the VA funding to ensure a full statewide implementation.

Why Peer-to-Peer Coordination?

According to the National Institute of Health (NIH)

Veterans identified numerous potential benefits to a peer support program, including social support, purpose and meaning, normalization of symptoms and hope, and therapeutic benefits. Veterans also identified ways that peer support could complement psychotherapy for PTSD by increasing initiation and adherence to treatment and supporting continued use of skills after termination. Results also indicated that Veterans might prefer peer support groups that are separated according to trauma type, gender, and era of service. Other findings highlighted the importance of the leadership and interpersonal skills of a peer support group leader. Overall, Veterans found peer support to be a highly acceptable complement to existing PTSD treatments with few drawbacks. (Hundt NE, Robinson A, Arney J, Stanley MA, Cully JA August 2015)

The Future

Beginning in October 2018, The Veterans Administration and the Department of Children and Families are funding a statewide expansion of Care Coordination through the 844-MYFLVET line. The DCF funding is limited to two years and **will end in September 2020**. Agencies around the state will have hired and trained **33 veterans** to provide Peer-to-Peer Care Coordination and Resource Management. By that time, **21 of those veterans** will be *Certified Peer Specialists* after completing an 18-month training process to earn that certification by the Florida Certification Board. **Recurring funding** for this program is critical to ensure that the two years of statewide expansion does not just fade away, leaving tens of thousands of vulnerable veterans without access to ongoing support and linkages.

Why This Matters

- Expansion of MyFLVet Support Line Call Handling statewide began on July 1, 2017 through June 30, 2018. Agencies were not funded or trained to provide Care Coordination. They were answering calls from Veterans and providing Information and Referral.
 - ✓ **28,962 calls** from Veterans
 - ✓ **42,932 referrals** to services

- Meanwhile, the Crisis Center was providing Care Coordination to Veterans in Hillsborough County.
 - ✓ The Crisis Center served **880** veterans in Care Coordination in the same time-period
 - ✓ Of the 880 veterans served through Care Coordination, **204 or 23% were considering suicide**

- Expansion of MyFLVet Care Coordination statewide – began on November 1, 2018 for half the state. The DCF portion of the project will begin in March 2019.
 - ✓ **3,564 calls** from veterans
 - ✓ **5,133 referrals** to services
 - ✓ So far, **315** veterans have received Care Coordination services in the same time-period. (Most agencies are only just starting Care Coordination)
 - ✓ Of the 315 veterans served through Care Coordination thus far, **163 or 52% were considering suicide**

History of the Crisis Center Pilot Program

2015: Funding through the FDVA \$150,000

2016 -2018: Funding through the Department of Children and Families \$150,000 per year

Statewide Expansion

2017: Funding through the FDVA to expand the MYFLVET Line statewide - without Care Coordination. \$400,000

2018: Funding for the statewide expansion ended on June 30, 2018. The VA funding began on September 28, 2018. The DCF funding began on March 1, 2019. Those resources will allow for the statewide expansion of responding to calls and Peer-to-Peer Care Coordination.

Consistent Funding

Consistent funding will allow the Crisis Center to do the following:

- Identify other 2-1-1 agencies who will provide Peer Veteran Care Coordination
- Crisis Center will train 2-1-1 agencies across the state on how to recruit, support and retain veteran peers to provide Care Coordination and to ensure fidelity to a proven successful model
- Continue Awareness and Outreach Efforts through advertising and marketing – **“If they can’t find us, we can’t help”**
- Support efforts to identify appropriate service providers across the state and manage that information to keep it up to date and relevant to the needs of veterans and their families



1-844-MYFLVET Support Line Crisis Center of Tampa Bay

Overview of Current Funding

The Crisis Center of Tampa Bay (Crisis Center) executed contracts with the Department of Veterans Affairs and the Florida Department of Children and Families to provide Crisis Intervention and Peer-to-Peer Care Coordination to Florida Veterans and their families. The service is to be provided utilizing the existing 2-1-1 network of providers throughout the state. The Crisis Center has recruited and is training eleven (11) providers that currently provide 2-1-1 call center services. These providers have entered into a subcontract with the Crisis Center to expand their services. When fully functional, the program will employ 32 Veterans around the state to provide Peer-to-Peer Care Coordination and Resource Development/Management in every county of the state.

Pilot Program

July 2014 – June 2015: Nonrecurring legislative funding through the FDVA - \$150,000 – for the Crisis Center of Tampa Bay as a pilot program. To establish a Veterans Crisis Line (844-MYFLVET) and to hire veterans to answer crisis calls and to provide Care Coordination (follow-up) from a veteran peer.

July 2015 – Present: Funding from the budget of the Department of Children and Families - \$150,000 to continue the pilot from 2015.

Statewide Expansion

July 2017 – June 2018: Budget appropriations requested by Senator Latvala. Presented and recommended by Appropriations Committee, Senator Florres, to provide funding through the FDVA to expand the MYFLVET Line statewide, but without Care Coordination - \$400,000 nonrecurring. Funding for technology to expand the 844-MYFLVET line. Funding for statewide marketing campaign to promote the line.

Current Funding

September 28, 2018 - September 27, 2019: Department of Veterans Affairs: \$1,000,000 – There is a multi-year option for three more years at \$1,000,000 per year. To subcontract with 2-1-1 providers statewide to expand Care Coordination for Veterans who call 844-MYFLVET. Total Duration: September 2018 – September 2021

February 1, 2019 - June 30, 2019: Department of Children and Families to match the VA funding: \$538,000 – There is a second-year option for July 1, 2019 through June 30, 2020 at \$1,000,000 for one year. Total Duration: February 2019 – June 2020

Background Narrative

According to the Department of Veteran Affairs (VA), Florida currently is home to over 1.5 million veteran residents, making it the state with the third largest population of veterans in the nation. In 2014, the Statewide Veterans Advisory Council and Florida Alliance of Information and Referral Services (FLAIRS) recognized that we could be doing a better job of caring for our veterans and decided to take action to fill this service gap. This group wanted to create a phone line similar to 2-1-1 information and referral lines that was dedicated solely to connecting Florida's veterans with needed community and VA-funded services.

The concept was brought to the attention of the Crisis Center and we quickly realized this effort fit perfectly in line with our mission and vision. In addition to the dedicated phone line, the Crisis Center recognized that it would be beneficial for veterans to speak to a peer – a fellow veteran who has experienced the transition from military to civilian life. Our experience with suicidal callers, and research by SAMSHA, reinforced the importance of providing care coordination services to callers in order to increase engagement and successful outcomes.

In the 2014 Legislative session, the State of Florida appropriated funding for the first year of the Florida Veteran Support Line. The State budget included \$150,000 to be distributed to the Crisis Center through the Florida Department of Veteran Affairs (FDVA). The Crisis Center was tasked with creating an operational service for the five-county area around Tampa Bay – Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties. The funding was used to establish a dedicated phone line (1-844-MYFLVET), hire and train Peer-to-Peer Care Coordinators, maintain a veteran-specific resource database, conduct marketing and outreach, and manage daily operations. The Department of Children and Families continued that funding after the FDVA funding ended. DCF continues that funding.

In 2017, the FDVA provided one-time funding of \$400,000 to expand the 844-MYFLVET line statewide. The funding was used for training and implementation of frontline call answering by 2-1-1 agencies around the state. Funding was also used to create and implement a statewide marketing campaign to raise awareness toward the 844-MYFLVET line. There was no funding to expand the Peer-to-Peer Care Coordination component of the program.

In 2018, the Veterans Administration agreed to partially-fund the implementation of Peer-to-Peer Care Coordination around the state. The Department of Children and Families agreed to match the VA funding to ensure a full statewide implementation.



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans Affairs

BILL INFORMATION

BILL NUMBER:	<u>SB 260</u>
BILL TITLE:	<u>Services for Veterans and Their Families</u>
BILL SPONSOR:	<u>Sen. Harrell</u>
EFFECTIVE DATE:	<u>1 JUL 2021</u>

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs, Space, and Domestic Security
2) Children, Families, and Elder Affairs
3) Appropriations
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Military and Veterans Affairs, Space, and Domestic Security

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	SB 104
SPONSOR:	Sen. Harrell
YEAR:	2020
LAST ACTION:	Died in Appropriations

IDENTICAL BILLS

BILL NUMBER:	HB 0231
SPONSOR:	Zika

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	25 January 2021
LEAD AGENCY ANALYST:	Roy Clark
ADDITIONAL ANALYST(S):	Christian Cochran
LEGAL ANALYST:	Chuck Faircloth
FISCAL ANALYST:	Click or tap here to enter text.

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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Requiring the Department of Veterans’ Affairs to establish the Florida Veterans’ Care Coordination Program to provide behavioral health care referral and care coordination services for veterans and their families; requiring the department to contract with a certain nonprofit entity to enter into agreements with Florida 211 Network participants to provide such services; requiring Florida 211 Network participants to collect program implementation data and to submit such data to the department; requiring the department to submit a report to the Governor and the Legislature by a specified date, etc.

Effective Date: 7/1/2021

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

From February to September 2019, the Crisis Center provided assistance to 17,699 veterans, 431 of which were veterans who had suicidal or lethality intentions. 2,274 were served through the Care Coordination program which provided: Continuity of Care Promote, Connectedness, Facilitate System Navigation, Ensure Engagement in Services and personalized planning. 35,150 Veteran referrals were made and there are currently 4452 resources currently available for the veteran population.

FY 2020 Statewide data: Florida Veterans Support Line aided 26,178 veterans, 1047 of which were veterans who had suicidal or lethality intentions. 5130 were served through the Care Coordination program which provided: Continuity of Care to promote, connectedness, facilitate system navigation, and ensure engagement in services and personalized safety planning. 53,938 Veteran-specific referrals

2. EFFECT OF THE BILL:

- Florida has the nation’s third-largest veteran population with more than 1.5 million veterans. Veterans face unique challenges and some struggle with mental health and substance abuse. This bill would authorize FDVA to establish the Florida Veterans’ Care Coordination Program (Program) to provide veterans and their families dedicated behavioral health care referral services, primarily for mental health and substance abuse.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	Click or tap here to enter text.
Is the change consistent with the agency’s core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Veterans will be able to call a separate veteran-dedicated support line to receive assistance and support from a fellow veteran trained to respond to the calls for assistance
Opponents and summary of position:	No opposition noted

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	Click or tap here to enter text.
Date Due:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	Click or tap here to enter text.
Board Purpose:	Click or tap here to enter text.
Who Appoints:	Click or tap here to enter text.
Changes:	Click or tap here to enter text.
Bill Section Number(s):	Click or tap here to enter text.

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	No current state funding request
Expenditures:	Click or tap here to enter text.
Does the legislation contain a State Government appropriation?	No

If yes, was this appropriated last year?	Money provided is from DCF Opioid grant that provided \$1,000,000 for two years. This was matched by VA VISN 8 for three years with an option for two more additional years. Both are set to expire 30 September 2021
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3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	None
Expenditures:	None
Other:	Donations would be provided from Private Sector

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	No
Bill Section Number:	No

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	None
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FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y N

If yes, describe the anticipated impact including any fiscal impact.	VA VISN 8 has provided 1,000,000 for the project with DCF funding matched by VA VISN 8 for three years with an option for two more additional years.
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ADDITIONAL COMMENTS

Suicide rates for veterans continue to be a cause of national concern. More than 6,000 veterans committed suicide each year from 2008 to 2016. In 2016, the suicide rate was 1.5 times greater for veterans than for non-veteran adults, after adjusting for age and gender. From 2005 to 2016, the increase in the suicide rate among veterans in Veterans Hospital Administration (VHA) care was lower than among veterans not in VHA care.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p style="text-align: center;">There are no substantive legal concerns with this bill. The bill requires FDVA to contract with outside non-profit service providers, General Counsel legal services will be required for contract drafting, negotiation, and compliance.</p>
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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Appropriations Subcommittee on Health
and Human Services, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Children, Families, and Elder Affairs
Military and Veterans Affairs and Space

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR GAYLE HARRELL
25th District

December 21, 2020

Senator Tom Wright
312 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Wright,

I respectfully request that **SB 260 – Services for Veterans and Their Families** be placed on the next available agenda for the Committee Meeting on Military and Veterans Affairs and Space.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Gayle".

Senator Gayle Harrell
Senate District 25

Cc: Diana Caldwell, Staff Director
Lois Graham, Committee Administrative Assistant

REPLY TO:

- 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019
- 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

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THE FLORIDA SENATE

APPEARANCE RECORD

2 FEB 2021

Meeting Date

SB260

Bill Number (if applicable)

Topic Services for Veterans and Their Families

Amendment Barcode (if applicable)

Name James "Hammer" Hartsell, Major General, USMC (Ret),

Job Title Deputy Executive Director

Address 400 S. Monroe Street Ste 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

Email HartsellJ@FDVA.State.FL.US

City

State

Zip

Speaking: For Against Information

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

Representing FDVA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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Reset Form

2/2/2021

Meeting Date

THE FLORIDA SENATE
APPEARANCE RECORD

SB 260

Bill Number (if applicable)

Topic Services for Veterans and their Families

Amendment Barcode (if applicable)

Name Alejandro D. González

Job Title Director of Public Policy

Address 1300 S. Andrews Avenue

Phone 954.308.9277

Street

Ft. Lauderdale

FL

33316

Email agonzalez@unitedwaybroward.org

City

State

Zip

Speaking: For Against Information

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

Representing United Way of Broward County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

2-2-2021

Meeting Date

260

Bill Number (if applicable)

Topic Services for Veterans

Amendment Barcode (if applicable)

Name Rick Owen

Job Title President & CEO

Address 307 E. 7th Ave

Phone 850-488-8276

Street

Tallahassee

FL

32303

Email rick@uwof.org

City

State

Zip

Speaking: For Against Information

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

Representing United Way of 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.

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

2/2/2021

Meeting Date

SB 260

Bill Number (if applicable)

Topic Services for Veterans and Their Families

Amendment Barcode (if applicable)

Name Elizabeth Berglin

Job Title Director, Public Policy

Address 3250 Southwest Third Avenue

Phone 305-646-7093

Street

Miami

Florida

33129

Email bergline@unitedwaymiami.org

City

State

Zip

Speaking: For Against Information

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

Representing United Way of Miami-Dade

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

Feb 2, 2021

Meeting Date

SB 260

Bill Number (if applicable)

Topic SERVICES FOR VETERANS AND FAMILIES

Amendment Barcode (if applicable)

Name DAN HENDRICKSON

Job Title President, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Phone 850 570-1967

Street

Tallahassee

FL

32301

Email danbhendrickson@comcast.net

City

State

Zip

Speaking: For Against Information

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

Representing TVLC Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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Reset Form

THE FLORIDA SENATE
APPEARANCE RECORD

February 2, 2021

Meeting Date

SB 260

Bill Number (if applicable)

Topic Services for Veterans and Their Families

Amendment Barcode (if applicable)

Name Natalie Kelly

Job Title CEO

Address 122 South Calhoun Street

Phone 850-895-1313

Street

Tallahassee

FL

32301

Email natalie@flmanagingentities.com

City

State

Zip

Speaking: For Against Information

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

Representing Florida Association of Managing Entities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

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 416

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

SUBJECT: POW-MIA Vietnam Veterans Bracelet Memorial

DATE: February 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 416 provides for the creation of the POW-MIA Vietnam Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

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

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

II. Present Situation:

Capitol Complex

The Capitol Complex, located in Tallahassee, includes the inside and the curtilage outside of the downtown Capitol, Historic Capitol, Senate Office Building, House Office Building, Knott Building, Pepper Building, and Holland Building. State-owned lands and public streets adjacent

to these buildings are also included.¹ The rest of the Capitol Complex, the Capital Circle Office Center, is located in the southeast section of the city.²

Division of Historical Resources

The Division of Historical Resources, established within the Department of State,³ among its duties is responsible for:

- Developing a comprehensive statewide historic preservation plan;
- Directing and conducting a comprehensive statewide survey and maintaining an inventory of historic resources;
- Ensuring that historic resources are taken into consideration at all levels of planning and development; and
- Providing public information, education, and technical assistance relating to historic preservation programs.⁴

Florida Historical Commission

The 2001 Florida Legislature established the Florida Historical Commission (commission) to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.⁵ The commission, part of the Department of State, is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties, and responsibilities.⁶

The commission is composed of 11 members of varying backgrounds and interests. Among the membership, seven are appointed by the Governor in consultation with the Secretary of State, two by the President of the Senate, and two by the Speaker of the House of Representatives.⁷

The commission must provide assistance, advice, and recommendations to the Division of Historical Resources.⁸ The commission also provides recommendations to the Department of Management Services on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex.⁹

Memorials and Monuments

A monument is defined as:

¹ Section 281.01, F.S.

² Department of Management Services, *Capitol Complex Information*, Available at https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/facilities_management/building_information/capitol_complex_information (last visited Jan. 25, 2021).

³ Section 20.10(2)(b), F.S.

⁴ Section 267.031(5)(a),(b),(d), and (f), F.S.

⁵ Section 5, ch. 2001-199, L.O.F.

⁶ Section 267.0612, F.S.

⁷ Section 267.0612(1)(a)1. F.S.

⁸ Section 267.0612(6), F.S.

⁹ Section 267.0612(9), F.S.

a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of a significant person or event in Florida history.¹⁰

The term “monument” does not include an Official Florida Historical Marker.¹¹

Legislative approval is required before initiating any building or placement of a monument on the premises of the Capitol Complex. After the Legislature designates in law a new monument, the department must approve the design and placement of the monument after considering the recommendation of the Florida Historical Commission.¹²

Chapter 265, F.S., recognizes various memorials and monuments for placement both inside and outside at the downtown Capitol Complex. To date, the Legislature has designated the following memorials:

- Florida Women’s Hall of Fame;¹³
- Florida Medal of Honor Wall;¹⁴
- Florida Veterans’ Hall of Fame;¹⁵
- POW-MIA Chair of Honor Memorial;¹⁶
- Florida Veterans’ Walk of Honor and Florida Veterans’ Memorial Garden;¹⁷
- Florida Tourism Hall of Fame;¹⁸
- Florida Law Enforcement Officers’ Hall of Fame;¹⁹
- Florida Holocaust Memorial;²⁰
- Florida Slavery Memorial;²¹
- Arthur G. Dozier School for Boys Memorial;²² and
- Florida Artists Hall of Fame.²³

Additionally, the Legislature designated a memorial garden to house approved monuments at the downtown Capitol Complex. One of the monuments designated for placement in the memorial garden is a monument in remembrance of the 241 members of the United States Air Forces who died on October 23, 1983, in Beirut, Lebanon.²⁴

¹⁰ Section 265.111(1), F.S.

¹¹ *Id.* An Official Florida Historical Marker is any marker, plaque, or similar device awarded, approved, or administered by the Division of Historical Resources to recognize and inform the public about historical properties, persons, events, and other topics relating to the history and culture of the state (s. 267.021(8), F.S.)

¹² Section 265.111(2), F.S.

¹³ Section 265.001, F.S.

¹⁴ Section 265.002, F.S.

¹⁵ Section 265.003, F.S.

¹⁶ Section 265.00301, F.S.

¹⁷ Section 265.0031, F.S.

¹⁸ Section 265.004, F.S.

¹⁹ Section 265.0041, F.S.

²⁰ Section 265.005, F.S.

²¹ Section 265.006, F.S.

²² Section 265.007, F.S.

²³ Section 265.2865, F.S.

²⁴ Section 265.111(3), F.S.

III. Effect of Proposed Changes:

CS/SB 416 provides for the creation of the POW-MIA Vietnam Veterans Bracelet Memorial to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War.

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

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

The bill takes effect upon becoming a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. The Department of Management Services does not expect to incur costs as the memorial has already been designed and paid for by the sponsor.²⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.008, Florida Statutes.

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 February 2, 2021:

The committee substitute:

- Redesignates as the POW-MIA Vietnam Veterans Bracelet Memorial the POW-MIA Veterans Bracelet Memorial to clarify that the veterans memorialized participated in the Vietnam War; and
- Removes the authority of the Department of Management Services to conduct rulemaking.

B. Amendments:

None.

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

²⁵ Email correspondence with Cody Farrill, Department of Management Services (Jan. 29, 2021).



438864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2021	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 19 - 41

and insert:

265.008 POW-MIA Vietnam Veterans Bracelet Memorial.-

(1) It is the intent of the Legislature to memorialize the sacrifices and experiences of those captured or missing in combat during the Vietnam War era.

(2) There is established the POW-MIA Vietnam Veterans Bracelet Memorial.



438864

11 (3) The memorial shall be funded and administered by the
12 Big Bend Chapter 96 of the Vietnam Veterans of America, without
13 appropriation of state funds.

14 (4) By July 1, 2022, the Department of Management Services
15 shall identify and make an appropriate public area available for
16 the construction and the placement of the POW-MIA Vietnam
17 Veterans Bracelet Memorial in Tallahassee, along South Monroe
18 Street and on or near the premises of the Capitol Complex. The
19 department shall consider recommendations by the Vietnam
20 Veterans of America, and the Florida Historical Commission as
21 required pursuant to ss. 265.111(2) and 267.0612(9), regarding
22 the monument's design and placement. In addition, the department
23 shall coordinate with the Division of Historical Resources of
24 the Department of State in determining the monument's design and
25 placement as required under s. 265.111(2).

26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete lines 2 - 12

30 and insert:

31 An act relating to the POW-MIA Vietnam Veterans
32 Bracelet Memorial; creating s. 265.008, F.S.;

33 providing legislative intent; establishing the POW-MIA
34 Vietnam Veterans Bracelet Memorial; providing for the
35 funding and administration of the memorial; directing
36 the Department of Management Services to designate
37 space for the memorial's construction and placement by
38 a specified date; requiring the department to consider
39 recommendations of, and coordinate with, specified



438864

40
41

entities regarding the memorial's placement and
design;

By Senator Burgess

20-00540-21

2021416__

1 A bill to be entitled
 2 An act relating to the POW-MIA Veterans Bracelet
 3 Memorial; creating s. 265.008, F.S.; providing
 4 legislative intent; establishing the POW-MIA Veterans
 5 Bracelet Memorial; providing for the funding and
 6 administration of the memorial; directing the
 7 Department of Management Services to designate space
 8 for the memorial's construction and placement by a
 9 specified date; requiring the department to consider
 10 recommendations of, and coordinate with, specified
 11 entities regarding the memorial's placement and
 12 design; authorizing the department to adopt rules;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 265.008, Florida Statutes, is created to
 18 read:

19 265.008 POW-MIA Veterans Bracelet Memorial.-

20 (1) It is the intent of the Legislature to memorialize the
 21 sacrifices and experiences of those captured or missing in
 22 combat during the Vietnam War era.

23 (2) There is established the POW-MIA Veterans Bracelet
 24 Memorial.

25 (3) The memorial shall be funded and administered by the
 26 Big Bend Chapter 96 of the Vietnam Veterans of America, without
 27 appropriation of state funds.

28 (4) By July 1, 2022, the Department of Management Services
 29 shall identify and make an appropriate public area available for

Page 1 of 2

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

20-00540-21

2021416__

30 the construction and the placement of the POW-MIA Veterans
 31 Bracelet Memorial in Tallahassee, along South Monroe Street and
 32 on or near the premises of the Capitol Complex. The department
 33 shall consider recommendations by the Vietnam Veterans of
 34 America, and the Florida Historical Commission as required
 35 pursuant to ss. 265.111(2) and 267.0612(9), regarding the
 36 monument's design and placement. In addition, the department
 37 shall coordinate with the Division of Historical Resources of
 38 the Department of State in determining the monument's design and
 39 placement as required under s. 265.111(2).

40 (5) The Department of Management Services may adopt rules
 41 to implement this section.

42 Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans Affairs

BILL INFORMATION

BILL NUMBER:	<u>SB 416</u>
BILL TITLE:	<u>POW-MIA Veterans Bracelet Memorial</u>
BILL SPONSOR:	<u>Sen. Burgess</u>
EFFECTIVE DATE:	<u>Upon Becoming Law</u>

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs, Space, and Domestic Security
2) Governmental Oversight and Accountability
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Military and Veterans Affairs, Space, and Domestic Security

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	N/A
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	HB 0163
SPONSOR:	Giallombardo

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	14 January 2021
LEAD AGENCY ANALYST:	Roy Clark
ADDITIONAL ANALYST(S):	Christian Cochran
LEGAL ANALYST:	Chuck Faircloth

FISCAL ANALYST:

Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Establishing the POW-MIA Veterans Bracelet Memorial; directing the Department of Management Services to designate space for the memorial's construction and placement by a specified date; requiring the department to consider recommendations of, and coordinate with, specified entities regarding the memorial's placement and design, etc. Effective Date: Upon becoming a law

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Currently, there is no memorial dedicated to those who were captured or missing during combat in the Vietnam War. This bill is dedicated to memorializing the sacrifices and experiences of those captured or missing in 21 combat during the Vietnam War era. This bill will establish the POW-MIA Veterans Bracelet Memorial.

2. EFFECT OF THE BILL:

This bill is dedicated to memorializing the sacrifices and experiences of those captured or missing in 21 combat during the Vietnam War era. This bill will establish the POW-MIA Veterans Bracelet Memorial.

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

By July 1, 2022, the Department of Management Services shall identify and make an appropriate public area available for the construction and the placement of the POW-MIA Veterans Bracelet Memorial in Tallahassee, along South Monroe Street and 31 on or near the premises of the Capitol Complex. The department shall consider recommendations by the Vietnam Veterans of America, and the Florida Historical Commission as required pursuant to ss. 265.111(2) and 267.0612(9), regarding the monument's design and placement. In addition, the department shall coordinate with the Division of Historical Resources of the Department of State in determining the monument's design and placement as required under s. 265.111(2).

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Provides a dedicated memorial to sacrifices and experiences of those captured or missing in 21 combat during the Vietnam War era.
-------------------------------------	---

Opponents and summary of position:	No opposition noted
------------------------------------	---------------------

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	By July 1, 2022, the Department of Management Services shall identify and make an appropriate public area available for the construction and the placement of the POW-MIA Veterans Bracelet Memorial in Tallahassee, along South Monroe Street and 31 on or near the premises of the Capitol Complex. The department shall consider recommendations by the Vietnam Veterans of America, and the Florida Historical Commission as required pursuant to ss. 265.111(2) and 267.0612(9), regarding the monument's design and placement. In addition, the department shall coordinate with the Division of Historical Resources of the Department of State in determining the monument's design and placement as required under s. 265.111(2).
Date Due:	July 1, 2022
Bill Section Number(s):	Section 25-39

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	N/A
Expenditures:	No Fiscal impact
Does the legislation contain a State Government appropriation?	The memorial shall be funded and administered by the Big Bend Chapter of the Vietnam Veterans of America, without appropriation of state funds
If yes, was this appropriated last year?	n/a

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	The memorial shall be funded and administered by the Big Bend Chapter of the Vietnam Veterans of America, without appropriation of state funds
Expenditures:	
Other:	The memorial shall be funded and administered by the Big Bend Chapter of the Vietnam Veterans of America, without appropriation of state funds

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	No
Bill Section Number:	No

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	None
--	------

FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y N

If yes, describe the anticipated impact including any fiscal impact.	Click or tap here to enter text.
--	----------------------------------

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	<p>There are no substantive legal concerns. However, while the bill creates the POW-MIA Veterans Bracelet Memorial, it limits the memorial to Vietnam War era veterans. It is conceivable that there will be future POW-MIA veterans. Consideration should be given either to naming the memorial the POW-MIA Vietnam Veterans Bracelet Memorial, or opening the memorial to all POW-MIA veterans.</p> <p>The bill also creates a State of Florida veterans' memorial without requiring input or recommendations from the Florida Department of Veterans' Affairs.</p>
---------------------------	---

From: [Brown, Cindy](#)
To: [Graham, Lois](#)
Subject: SB 416 Document to Upload as FN 26 - Email Correspondence with Cody Farrill
Date: Friday, January 29, 2021 11:01:00 AM

From: Farrill, Cody <Cody.Farrill@dms.fl.gov>
Sent: Thursday, January 28, 2021 6:57 PM
To: Brown, Cindy <BROWN.CINDY@flsenate.gov>
Cc: Caldwell, Diana <CALDWELL.DIANA@flsenate.gov>
Subject: Re: SB 416

Hi Cindy

The department reviewed this language prior to filing. We don't need Rulemaking authority in my opinion, given the monument is already paid for and designed by the sponsoring organization. The department has had several conversations on this bill previously.

Cody

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The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: January 22, 2021

I respectfully request that **Senate Bill #416**, relating to POW-MIA Veterans Bracelet Memorial, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Danny Burgess".

Senator Danny Burgess
Florida Senate, District 20

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

2 FEB 2021

Meeting Date

SB416

Bill Number (if applicable)

Topic POW-MIA Veterans Bracelet Memorial

Amendment Barcode (if applicable)

Name James "Hammer" Hartsell, Major General, USMC (Ret),

Job Title Deputy Executive Director

Address 400 S. Monroe Street Ste 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

Email HartsellJ@FDVA.State.FL.US

City

State

Zip

Speaking: For Against Information

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

Representing FDVA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/21 Meeting Date

416 Bill Number (if applicable)

Topic POW-MIA Vet. Bracelet Memorial

Amendment Barcode (if applicable)

Name Steve Winn

Job Title Governmental Consultant

Address 2544 Blairstone Pines Dr

Phone 878-3056

Tallahassee FL 32301

Email winnsr@earthlink.net

Speaking: [X] For [] Against [] Information

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

Representing Vietnam Veterans of America, Big Bend Chapter 96

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] 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.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

Feb 2, 2021

Meeting Date

SB 416

Bill Number (if applicable)

438864

Amendment Barcode (if applicable)

Topic POW-MIA Vietnam Veterans Bracelet Memorial

Name DAN HENDRICKSON

Job Title President, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850 570-1967

Email danbhendrickson@comcast.net

Speaking: For Against Information

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

Representing TVLC Tallahassee Veterans Legal Collaborative

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2 / 2 / 21

Meeting Date

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

416

Bill Number (if applicable)

Topic POW-MIA Veteran Bracelet Memorial

Amendment Barcode (if applicable)

Name Joe West

Job Title President

Address 241 Lake Ella Dr

Phone

Street

Tallahassee FL 32303

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

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

Representing Vietnam Veterans of America, Big Bend Chapter 96

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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: SPB 7010

INTRODUCER: By the Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: OGSR/Space Florida

DATE: February 2, 2021 REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Stallard</u>	<u>Caldwell</u>	_____	Submitted as Comm. Bill/Fav

I. Summary:

SPB 7010 amends s. 331.326, F.S., to save from repeal a public records and public meetings exemption for trade secrets. Section 331.326, F.S., provides that any information held by Space Florida which is a trade secret, as defined in s. 812.081, F.S., is confidential and exempt from public records requirements and may not be disclosed. The section also provides that any meeting or portion of a meeting of Space Florida’s board is exempt from open meetings and public records requirements if the board is discussing trade secrets and that any public record generated during the closed portions of such meetings is also confidential and exempt from public records requirements.

Section 331.326, F.S., is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment or reenactment and removal of the sunset provisions by the Legislature.

The original public necessity statement provides that it is a public necessity that financial information comprising a trade secret as defined in s. 812.081, F.S., be made exempt or confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the Florida Constitution. The statement also provides that it is a public necessity that any portion of a meeting in which a trade secret as defined in s. 812.081, F.S., is discussed, be made exempt from s. 286.011, F.S., and s. 24(b), Article I of the Florida Constitution. Justification for the public records bill has not changed. Therefore, the bill reenacts the exemption and does not subject it to further sunset review. As SPB 7010 does not expand the public records and meetings exemptions, it does not require a two-thirds vote of each house in order to pass.

SPB 7010 takes effect October 1, 2021.

II. Present Situation:

Public Records Law

The Florida 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

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.³ The Public Records Act states that:

[i]t 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.⁴

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.⁵ Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.

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

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ Public records laws are found throughout the Florida Statutes.

⁴ Section 119.01(1), F.S.

⁵ *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

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” 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).

under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

Only the Legislature may create an exemption to public records requirements.¹⁰ An exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹¹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹² and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹³

When creating or expanding a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’¹⁴ Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,¹⁶ with specified exceptions.¹⁷ The Act 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 or repeal the sunset date.¹⁸ In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The Act 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.¹⁹ 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:

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ *Id.*

¹² The bill may, however, contain multiple exemptions that relate to one subject.

¹³ FLA. CONST., art. I, s. 24(c).

¹⁴ 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 Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ 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 records or information or to include meetings.

¹⁷ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁸ Section 119.15(3), F.S.

¹⁹ Section 119.15(6)(b), F.S.

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²⁰
- 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;²¹ or
- It protects trade or business secrets.²²

The Act also requires specified questions to be considered during the review process.²³ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁴ If the exemption is reenacted or saved from repeal 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.²⁵

Space Florida

Space Florida was created as an independent special district,²⁶ a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in this state. The purpose of Space Florida is to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.²⁷ To accomplish its purpose, Space Florida advises, coordinates, cooperates, and, when necessary, enters into memoranda of agreement with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.²⁸ Space Florida may purchase or construct facilities; set rates, fees, and charges for the use of facilities; and undertake joint financing with municipalities or private sector entities for any project.²⁹

²⁰ Section 119.15(6)(b)1., F.S.

²¹ Section 119.15(6)(b)2., F.S.

²² Section 119.15(6)(b)3., F.S.

²³ Section 119.15(6)(a), F.S. The specified questions are:

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

²⁴ FLA. CONST. art. I, s. 24(c).

²⁵ Section 119.15(7), F.S.

²⁶ Part III, Chapter 189, F.S.

²⁷ Section 331.302(1), F.S.

²⁸ Section 331.302(2), F.S. Space Florida is not an agency as defined in ss. 216.011 and 287.012, F.S. Space Florida is subject to applicable provisions of the Uniform Special District Accountability Act. Section 331.302(4) and (5), F.S.

²⁹ Section 331.305, F.S.

Space Florida is governed by a 13-member independent board of directors that consists of members appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives, and members of the board of directors of Enterprise Florida, Inc.³⁰ The Governor serves ex officio, or may appoint a designee to serve as the chair and a voting member of the board.³¹

Public Records Exemptions for Trade Secrets

The records of Space Florida are public records subject to ch. 119, F.S., the Public Records Act,³² and, as such, are generally open for personal inspection and copying by any person.³³ However, similar to many government offices that maintain confidential business information records resulting from interactions with private entities, Space Florida's records contain trade secrets that are exempt from public disclosure. Florida law contains a variety of provisions making trade secret information exempt or confidential and exempt from public records requirements. Space Florida relies on ss. 288.075 and 331.326, F.S., for exemptions from public records requirements for trade secrets. Both sections provide exemptions, but each uses a different definition of "trade secret." As well, s. 331.326, F.S., provides an exemption from open meetings requirements³⁴ when Space Florida's board is discussing trade secrets.

Section 288.075, F.S., addresses generally the confidentiality of records maintained by government economic development agencies. The section defines Space Florida as an economic development agency³⁵ and provides that trade secrets held by an economic development agency are confidential and exempt from s. 119.07(1), F.S., and section 24(a), Article I of the Florida Constitution (public records requirements).³⁶ Section 288.075, F.S., defines a trade secret as having the same meaning as is provided in the Uniform Trade Secrets Act in s. 688.002(4), F.S.³⁷ An employee of an economic development agency who violates the confidentiality and exemption requirements for trade secrets commits a misdemeanor of the second degree.³⁸

Section 331.326, F.S., is in part II of ch. 331, which creates and governs Space Florida. The section provides that any information held by Space Florida which is a trade secret, as defined in the chapter on theft crimes in s. 812.081(1)(c), F.S., including trade secrets of Space Florida, any spaceport user, or the space industry business, is confidential and exempt from the requirements of s. 119.07(1), F.S., and section 24(a), Article I of the Florida Constitution and may not be

³⁰ Section 331.3081, F.S.

³¹ According to the Space Florida website, the following are members of the board: Lieutenant Governor Jeanette Nunez; Jay Beyrouti, President, Monicarla, Ltd.; Jesse Biter, President and CEO, Biter Enterprises, LLC; Dean Cannon, President and CEO, Gray Robinson; Gregory Celestan, Chairman and CEO, Celestar Corporation; Daniel Davis, President and CEO, Jax Chamber; Sonya Deen, Vice President of Government Relations, JM Family Enterprises, Inc.; Barbara Essenwine, Above and Beyond Group; Mori Hosseini, Chairman and CEO, ICI Homes; Kenneth Kahn, President, LRP Media; Belinda Keiser, Vice Chancellor of Community Relations and Student Advancement, Keiser University; and Katherine San Pedro, Partner, Ballard Partners, Inc. Available at <https://www.spaceflorida.gov/about/board-of-directors/> (Last visited on December 3, 2020.)

³² Section 331.326, F.S.

³³ Section 119.01(1), F.S.

³⁴ FLA. CONST., art. I, s. 24(b); s. 286.011, F.S.

³⁵ Section 288.075(1)(a)3., F.S.

³⁶ Section 288.075(3), F.S.

³⁷ Section 288.075(1)(c), F.S.

³⁸ Section 288.075(7), F.S.

disclosed.³⁹ The section further provides that any meeting or portion of a meeting of Space Florida's board is exempt from the open meetings requirements of s. 286.011, F.S., and section 24(b), Article I of the Florida Constitution if the board is discussing trade secrets. As well, any public record generated during the closed portions of the meetings, such as minutes, tape recordings, and notes, is confidential and exempt from s. 119.07(1) and section 24(a), Article I of the Florida Constitution.⁴⁰

In 2016, the definition of trade secret in s. 812.081, F.S., was expanded to include financial information.⁴¹ Because of the cross-reference in s. 331.326, F.S., to s. 812.081, F.S., the Legislature also reenacted s. 331.326, F.S., that same year in order to conform the section's public records and open meetings exemptions to the newly expanded definition of "trade secret" in s. 812.081, F.S. The reenactment of the section expanded the public records and public meetings exemptions for Space Florida because the trade secret exemptions in the section were expanded by adding financial information to the definition of trade secret.⁴² The reenactment of s. 331.326, F.S., with the added language to the section subjected it to the Open Government Sunset Review Act⁴³ and repeal of the section on October 2, 2021, unless it is reviewed and saved from repeal through reenactment by the Legislature. The bill⁴⁴ reenacting s. 331.326, F.S., (among other sections) also provided a public necessity statement as required by the Florida Constitution.

The public necessity statement articulates as justification for the exemptions that the disclosure of businesses' financial information comprising a trade secret as defined in s. 812.081, F.S., would be detrimental to those businesses. Specifically, the public necessity statement provided:

[t]he Legislature recognizes that, in many instances, businesses are required to provide financial information for regulatory or other purposes to public entities and that disclosure of such information to competitors of those businesses would be detrimental to the businesses. The Legislature's intent is to protect trade secret information of a confidential nature which includes, but is not limited to, a formula, a pattern, a device, a combination of devices, or a compilation of information used to protect or further a business advantage over those who do not know or use the information, the disclosure of which would injure the affected business in the marketplace. Therefore, the Legislature finds that the need to protect trade secret financial information is sufficiently compelling to override this state's public policy of open government and that the protection of such information cannot be accomplished without these exemptions.⁴⁵

³⁹ Section 331.326, F.S.

⁴⁰ *Id.*

⁴¹ Section 1, ch. 2016-5, Laws of Florida; CS/SB 180 (2016).

⁴² Section 286.011, F.S. and FLA. CONST. art. 1, s. 24(b).

⁴³ Section 119.15, F.S.

⁴⁴ CS/CS/SB 182 (2016).

⁴⁵ Section 21, ch. 2016-6, Laws of Florida.

Trade Secrets

Section 288.075, F.S., providing for the confidentiality of trade secrets, relies on the definition of “trade secret” found in the Uniform Trade Secrets Act in s. 688.002(4), F.S., which defines the term as:

information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.⁴⁶

This definition of “trade secret” does not expressly include financial information.

Section 331.326, F.S., providing for the confidentiality of trade secrets, relies on the definition of “trade secret” found in s. 812.081, F.S. This definition was amended in 2016 to include financial information, which because of the cross-reference in s. 331.326, F.S., necessitated the reenactment of s. 331.326, F.S., to conform it to the newly amended definition of trade secret in s. 812.081, F.S.

“Trade secret,” as defined in s. 812.081(1)(c), F.S., of Chapter 812 pertaining to theft crimes, means:

the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it

when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.⁴⁷

⁴⁶ Section 688.002(4), F.S.

⁴⁷ Section 812.081(1)(c), F.S.

Courts have used this last factor to determine whether a document is a trade secret subject to protection from public records disclosure laws. In *Sevro v. Department of Environmental Protection*,⁴⁸ the court held that a document was subject to disclosure because the business had failed to actively protect or hold out the document as a trade secret.

Open Government Sunset Review

Review of Public Records and Open Meetings Exemptions in Section 331.326, F.S.

During the 2020 interim, Senate and House staff met with staff of Space Florida to discuss the experience the agency has had with trade secret information exemptions in s. 331.326, F.S.⁴⁹ As reported by Space Florida staff, although a small number of public requests for information are regularly received by the agency, only one or two requests a year have required Space Florida to redact or otherwise remove trade secret information in making records available. In addition, staff reported that there have been no challenges of trade secret exemption decisions made by Space Florida, nor have meetings of Space Florida's board necessitated closure because of the discussion of trade secret information.

Space Florida does not have rules or an internal procedure or process for identifying exempted trade secret information or for removing that information from records it makes available to the public. The agency follows statutory language to ensure trade secret information it holds remains exempt from public disclosure. Staff of Space Florida made no report of having received any complaints regarding public record or open meetings exemptions for trade secret information.⁵⁰

Other Exemptions

Part of an Open Government Sunset Review requires a review of other exemptions that may protect the same public record or meeting, and consideration of whether multiple exemptions may be merged. The repeal of s. 331.326, F.S., would eliminate the specific trade secret exemption from part II of ch. 331, which governs Space Florida. The remaining trade secret exemption applicable to records held by Space Florida, s. 288.075, F.S., uses the definition of trade secret in s. 688.002, F.S. Although there are similarities between that definition and the definition of trade secret in s. 812.081, F.S. (which contains the definition of trade secret that s. 331.326, F.S., incorporates), there are differences between the two that are not insignificant.

Section 688.002, F.S., limits the term's applicability to information from which independent economic value is derived. Section 812.081, F.S., on the other hand, couches the definition in terms of the operation of a business, defining trade secret as "... information ... which provides the business an advantage ...". As defined in s. 812.081, F.S., the term also specifically includes financial information, which is not part of the definition in s. 688.002, F.S.

Repeal of s. 331.326, F.S., also would eliminate the open meeting exemption if the board is discussing trade secrets. This exemption is not provided for elsewhere in statute. While it can be argued that financial information, independent of its inclusion in a definition of trade secret, is

⁴⁸ 839 So. 2d 781 (Fla. 1st DCA 2003).

⁴⁹ A meeting took place on August 6, 2020 with follow-up emails on August 21 and August 25, 2020 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁵⁰ *Id.*

confidential and exempt pursuant to s. 288.075, F.S., if held by Space Florida, such confidentiality and exemption may depend on a request in writing by the owner of the information and may expire a year after the request.⁵¹

Section 288.075, F.S., governs not just Space Florida, but other economic development agencies, as well, so consideration is not given to its amendment or merger to eliminate duplication of exemptions. Because of the distinction in the definitions of trade secret between s. 812.081, F.S., and s. 688.002, F.S., and because a repeal of s. 331.326, F.S., would remove the open meeting exemption for trade secrets, the information in and application of the public records and open meetings exemptions in s. 331.326, F.S., are not duplicated elsewhere in law, nor can they be merged with another exemption.

Recommendation on Exemptions

Legislative staff sought the input of Space Florida regarding the repeal of s. 331.326, F.S. Representatives of the agency responded that they would prefer that the statute not be repealed. They asserted that, given the competitiveness of the space industry, the ability to close a portion of a public meeting when the board is discussing trade secrets is a very important tool.⁵²

Space Florida would like to continue to use public records and open meetings exemptions that are informed by the definitions of trade secret in both s. 812.081, F.S., and s. 688.002, F.S. Representatives of the agency expressed the need for Space Florida to be able to provide assurances to potential and existing space industry customers that their trade secrets are protected to the greatest extent possible in the event of misappropriation. In addition, although a cross-reference to a definition does not create a cause of action, representatives of Space Florida assert that it is important for the agency to be able to use the definitions, penalties, and remedies afforded under both definitional sections.⁵³

III. Effect of Proposed Changes:

The bill amends s. 331.326, F.S., to save the section from repeal and retain its provisions that make trade secrets exempt and confidential and exempt.

Section 331.326, F.S., provides that any information held by Space Florida which is a trade secret, as defined in s. 812.081, F.S., is confidential and exempt from public records requirements and may not be disclosed. The section also provides that any meeting or portion of a meeting of Space Florida's board is exempt from open meetings and public records requirements when the board is discussing trade secrets and that any public record generated during the closed portions of such meetings is also confidential and exempt from public records requirements.

⁵¹ Sections 288.075(2) and (4), F.S. Attorney General Opinion 2004-19 states “[d]evelopment plans, financial records, financial commitment letters and draft memoranda of understanding between the city and a developer regarding a redevelopment project appear to come within the scope of this exemption.”

⁵² Emails on August 21 and August 25, 2020 from Space Florida to legislative staff (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁵³ *Id.*

Section 331.326, F.S., is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment or reenactment and removal of the sunset provisions by the Legislature.

The original public necessity statement provided that it is a public necessity that financial information comprising a trade secret as defined in s. 812.081, F.S., be made exempt or confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the Florida Constitution. The statement also provides that it is a public necessity that any portion of a meeting in which a trade secret as defined in s. 812.081, F.S., is discussed, be made exempt from s. 286.011, F.S., and s. 24(b), Article I of the Florida Constitution. Justification for the public records bill has not changed.

This bill reenacts the public records exemption without subjecting it to further sunset review. As the bill does not expand public records and meetings exemptions, it does not require a two-thirds vote of each house in order to pass.

The bill takes effect October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

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 bill creating or expanding an exemption to the public records requirements. This bill continues a current public records exemption beyond its current date of repeal; thus, the bill does not require an extraordinary vote for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill continues a current public records exemption without expansion.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

The purpose of the law is to protect trade secret information of a confidential nature. This bill exempts only information held by Space Florida which is a trade secret, as defined in s. 812.081, F.S., from the public records requirements. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with Space Florida making redactions in response to a public record request.

Businesses who submit trade secret information that falls within the definition contained in s. 812.081, F.S., to Space Florida will continue to receive protection of that information from disclosure to competing businesses. This may result in encouraging more private sector businesses to compete for contracts with Space Florida.

C. Government Sector Impact:

Space Florida will continue to incur costs relating to the redaction of exempt records.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 331.326 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.

FOR CONSIDERATION By the Committee on Military and Veterans Affairs, Space, and Domestic Security

583-00735-21

20217010pb

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 331.326, F.S., which
 4 provides an exemption from public records requirements
 5 for records of Space Florida regarding information
 6 relating to trade secrets; removing the scheduled
 7 repeal of the exemption; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Section 331.326, Florida Statutes, is amended to
 12 read:
 13 331.326 Information relating to trade secrets
 14 confidential.—The records of Space Florida regarding matters
 15 encompassed by this act are public records subject to chapter
 16 119. Any information held by Space Florida which is a trade
 17 secret, as defined in s. 812.081, including trade secrets of
 18 Space Florida, any spaceport user, or the space industry
 19 business, is confidential and exempt from s. 119.07(1) and s.
 20 24(a), Art. I of the State Constitution and may not be
 21 disclosed. If Space Florida determines that any information
 22 requested by the public will reveal a trade secret, it shall, in
 23 writing, inform the person making the request of that
 24 determination. The determination is a final order as defined in
 25 s. 120.52. Any meeting or portion of a meeting of Space
 26 Florida's board is exempt from s. 286.011 and s. 24(b), Art. I
 27 of the State Constitution when the board is discussing trade
 28 secrets. Any public record generated during the closed portions
 29 of the meetings, such as minutes, tape recordings, and notes, is

Page 1 of 2

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

583-00735-21

20217010pb

30 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 31 of the State Constitution. ~~This section is subject to the Open~~
 32 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
 33 ~~shall stand repealed on October 2, 2021, unless reviewed and~~
 34 ~~saved from repeal through reenactment by the Legislature.~~
 35 Section 2. This act shall take effect October 1, 2021.

Page 2 of 2

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

Caldwell, Diana

Subject: OGSR - Space Florida Trade Secrets

Start: Thu 8/6/2020 10:30 AM
End: Thu 8/6/2020 11:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Smith, Melissa
Required Attendees: Lindsay Pierce; DSwanson@spaceflorida.gov; Caldwell, Diana; Villa.Chris; Williamson, Heather; Harrington, Tiffany; Barry, Michael; Hamon, Kurt; SSpratt@spaceflorida.gov; Heather.Ramos@gray-robinson.com

WebEx video call between Space Florida and staff from the House and Senate as part of an Open Government Sunset Review of the following public record and public meeting exemptions:

Section 331.326, F.S. – public record exemption for any information held by Space Florida which is a trade secret, as defined in s. 812.081, F.S.

Section 331.326, F.S. – public meeting exemption for any meeting or portion of a meeting of Space Florida’s board when the board is discussing trade secrets.

In 2016, the definition of “trade secret” in s. 812.081, F.S., was expanded to include financial information, which resulted in the public record and public meeting exemption being reenacted to include the new, expanded definition of “trade secret.” As such, these exemptions are subject to the 5-year repeal/review process outlined in the Open Government Sunset Review Act (s. 119.15, F.S.), and will repeal on October 2, 2021, unless reviewed and reenacted by the Legislature.

As part of the discussion House and Senate staff will be interested in general information of Space Florida programs and Space Florida’s board, how Space Florida addresses public record requests containing trade secrets, how public meetings are conducted when trade secrets are discussed by the board, what types of records contain trade secrets, and if there has been any litigation.

Thank you for taking the time to participate in this discussion. Should you have any questions prior to the meeting please contact me at 850-717-5723.

Melissa Smith | Policy Chief
Oversight, Transparency & Public Management Subcommittee
Florida House of Representatives
209 House Office Building
850.717.5723

-- Do not delete or change any of the following text. --

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Caldwell, Diana

From: Sharon Spratt <SSpratt@spaceflorida.gov>
Sent: Tuesday, August 25, 2020 11:05 AM
To: Smith, Melissa; Caldwell, Diana
Cc: Denise Swanson; Heather M. Ramos; Lindsay Pierce
Subject: Space Florida Response- Section 331.326 - Trade Secrets

Good Morning Melissa & Diana:

Thanks again for reaching out on the trade secrets statute. Space Florida's response can be found below.

If you have any questions, or need any further clarification, please do not hesitate to contact me.

I hope everyone has a safe week.

Warm Regards,

Sharon

Sharon M. Spratt
Vice President, Government Relations & Regulatory Compliance

SPACE FLORIDA



113 East College Avenue, Suite 206-

Tallahassee, FL 32301

C 850.591.1996
SpaceFlorida.gov
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From: Heather M. Ramos <Heather.Ramos@gray-robinson.com>
Sent: Friday, August 21, 2020 1:14 PM
To: Denise Swanson <DSwanson@spaceflorida.gov>
Subject: - Section 331.326 - Trade Secrets

Melissa – thank you and your team for the time on the phone on August 6. We have reviewed the relevant statutes and request ***no change to Section 331.326*** of the Florida Statutes based on the following:

- Space Florida would like to continue to have the ability to close a portion of a public meeting in the event the Space Florida board is discussing trade secrets. Given the competitiveness of the space

industry, this is a very important tool for Space Florida to have the option to use.

- Section 331.326 of the Florida Statutes defines “trade secrets” by using the definition in Section 812.081 of the Florida Statutes; Section 288.075 of the Florida Statutes which includes Space Florida defines “trade secrets” by referencing Section 688.002 of the Florida Statutes.
- Space Florida would like to continue to have the ability to protect space industry trade secrets of Space Florida and customers, as defined in Section 812.081 *and* Section 688.002. Space Florida does not want to select one definition because there are differences between the two. For instance, Section 812.081 includes “financial information”, which is not included in the definition of “trade secrets” in Section 688.002. Additionally, the causes of action for trade secret misappropriation are different. Section 812.081 provides for a criminal cause of action, while 688.002 allows a civil cause of action to be established. Given the competitiveness of the space industry and the need for Space Florida to be able to provide assurances to potential and existing space industry customers that their trade secrets are protected to the greatest extent possible in the event of misappropriation, it is important for Space Florida to be able to utilize the definitions, penalties and remedies afforded under both sections.

Please let me know if you have questions or if there is additional information that we can provide in support of this request.

Heather M. Ramos | Shareholder
GRAY | ROBINSON

301 East Pine Street, Suite 1400 | Orlando, Florida 32801
T: 407-843-8880 | **F:** 407-244-5690 | **D:** 407-244-5670 | **M:** 407-620-7438
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Begin forwarded message:

From: "Smith, Melissa" <Melissa.Smith@myfloridahouse.gov>
Date: July 22, 2020 at 2:38:42 PM EDT

To: Lindsay Pierce <lpierce@spaceflorida.gov>
Subject: Open Government Sunset Review (OGSR)

Hello Lindsay,

I hope you are well. I am reaching out about scheduling a WebEx conference call with you and your public records experts as part of an Open Government Sunset Review of the following public record and public meeting exemption:

Section 331.326, F.S. – public record exemption for any information held by Space Florida which is a trade secret, as defined in s. 812.081, F.S.

Section 331.326, F.S. – public meeting exemption for any meeting or portion of a meeting of Space Florida’s board when the board is discussing trade secrets.

In 2016, the definition of “trade secret” in s. 812.081, F.S., was expanded to include financial information, which resulted in the public record and public meeting exemption being reenacted to include the new, expanded definition of “trade secret.” As such, these exemptions are subject to the 5-year repeal/review process outlined in the Open Government Sunset Review Act (s. 119.15, F.S.), and will repeal on October 2, 2021, unless reviewed and reenacted by the Legislature.

For the House, the Oversight, Transparency & Public Management Subcommittee is tasked with reviewing these exemptions. Do you think we’d be able to set up a WebEx with your experts on these exemptions during the first week in August? Specifically we would be seeking general information on the Space Florida programs and board, how Space Florida handles public record requests and public meetings involving trade secrets, if these exemptions could be improved or merged in any way, and if there has been any litigation.

I know this is a long email, I apologize for the overload, please feel free to call with any questions. I’m happy to discuss this review with you and clear up any questions you may have. My direct line is 717-5723.

Best,

Melissa Smith | Policy Chief
Oversight, Transparency & Public Management Subcommittee
Florida House of Representatives
209 House Office Building
850.717.5723

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/2/2021

Meeting Date

7010

Bill Number (if applicable)

Topic SPB 7010

Amendment Barcode (if applicable)

Name Sharon Spratt

Job Title VP, Govt. Relations

Address 113 E College Ave, Suite 204

Phone 850-591-1996

Street TH

City FL

State 32301

Zip

Email sspratt@spaceflorida.gov

Speaking: For Against Information

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

Representing Space 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.

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Military and Veterans Affairs, Space, and Domestic Security

Judge:

Started: 2/2/2021 12:31:19 PM

Ends: 2/2/2021 1:15:48 PM Length: 00:44:30

12:31:18 PM Meeting called to order by Chair Wright

12:31:29 PM Roll call by CAA Lois Graham

12:31:46 PM Quorum announced

12:31:57 PM Pledge of Allegiance led by Senator Torres

12:32:26 PM Chair Wright with opening comments

12:33:18 PM Tab 1 SB 260 Services for Veterans and Their Families by Senator Harrell

12:33:25 PM Senator Harrell explains the bill

12:37:37 PM Appearance Form: Major General James Hartsell, Deputy Executive Director, FDVA waives in support

12:38:18 PM Senator Cruz in debate

12:39:19 PM Senator Burgess in debate

12:40:23 PM Senator Torres in debate

12:40:36 PM Chair Wright with comments

12:41:12 PM Senator Cruz with comments

12:41:29 PM Chair Wright with comments

12:41:33 PM Senator Harrell closes on bill

12:42:16 PM Roll call on SB 260

12:42:44 PM SB 260 reported favorably

12:43:00 PM Tab 2 SB 416 POW-MIA Veterans Bracelet Memorial by Senator Burgess

12:43:13 PM Senator Burgess explains the bill

12:45:58 PM Amendment Barcode 438864 by Senator Burgess

12:46:08 PM Senator Burgess explains the amendment

12:47:16 PM Mr. Dan Hendrickson waives in support of amendment

12:47:34 PM Senator Burgess waives close on the amendment - amendment is adopted

12:48:16 PM Back on bill as amended

12:48:24 PM Appearance Form Major General James Hartsell waives in support

12:48:47 PM Mr. Steve Winn, Governmental Consultant, Vietnam Veterans of America, Big Bend Chapter #96 speaks in support of the bill

12:53:59 PM Mr. Joe West, President, Vietnam Veterans of Florida, Big Bend Chapter #96 speaking in support

12:55:52 PM Senator Cruz in debate

12:57:33 PM Senator Burgess closes on bill

12:58:30 PM Roll call on CS/SB 416

12:59:05 PM CS/SB 416 reported favorably

12:59:21 PM Back to appearance forms for SB 260

1:00:08 PM

1:00:09 PM Mr. Alejandro Gonzalez, Director of Public Policy, United Way of Broward County waives in support

1:00:17 PM Mr. Rick Owen, President & CEO, United Way of Florida waives in support

1:00:19 PM Ms. Elizabeth Berglin, Director of Public Policy, United Way of Miami-Dade County waives in support

1:00:26 PM Ms. Natalie Kelly, CEO, Florida Association of Managing Entities

1:00:28 PM Mr. Dan Hendrickson, President, Tallahassee Veterans Legal Collaborative waives in support
1:00:32 PM No additional testimony
1:00:35 PM Chair Wright with comments
1:00:41 PM Tab 3 SPB 7010 OGSR/Space Florida
1:01:03 PM Committee Staff Adam Stallard explains the bill
1:03:22 PM Senator Gibson with question
1:03:35 PM Staff responds
1:05:10 PM Staff responds
1:05:16 PM Senator Gibson with follow-up
1:05:45 PM Staff responds
1:06:29 PM Senator Gibson with comments
1:06:37 PM Chair Wright with comments
1:06:59 PM Senator Cruz with question
1:07:08 PM Chair Wright responds
1:07:42 PM Senator Harrell with comments
1:09:01 PM Senator Gibson with follow-up
1:09:32 PM Chair Wright with question
1:09:41 PM Senator Cruz with comments
1:10:22 PM Chair Wright with comments
1:10:37 PM Ms. Sharon Spratt, Vice-President Government Relations, Space Florida responds
1:11:45 PM Senator Cruz with question
1:12:16 PM Ms. Spratt responds
1:12:47 PM Senator Harrell with question
1:12:57 PM Ms. Spratt responds
1:13:25 PM Senator Harrell with follow-up
1:13:32 PM Ms. Spratt responds
1:14:07 PM Chair Wright with question
1:14:13 PM Ms. Spratt responds
1:14:36 PM Senator Harrell moves to submit SPB as Committee Bill
1:14:47 PM Motion is adopted
1:14:53 PM Roll call on SPB 7010
1:14:55 PM SPB 7010 is reported favorably
1:15:25 PM Senator Rodriguez moves to adjourn
1:15:36 PM Meeting adjourned