

Tab 1 | **SB 518** by **Diaz**; (Identical to H 00433) Drones

Tab 2 | **SB 770** by **Burgess**; (Similar to H 00873) Military Affairs

Tab 3 | **SB 782** by **Cruz**; (Identical to H 01347) Educational Opportunities for Veterans

933982 A S RCS MS, Cruz Delete L.18: 03/10 10:10 AM

Tab 4 | **SB 922** by **Burgess**; (Similar to H 00541) Veterans' Preference in Employment

Tab 5 | **SB 1262** by **Harrell**; (Identical to H 00399) State Park Fee Discounts

Tab 6 | **SB 1512** by **Wright**; (Identical to H 01201) Space Florida Board of Directors

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, March 9, 2021
TIME: 9:00—11:30 a.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 |
|---|--|--|----------------------------|
| PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A2 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301 | | | |
| 1 | SB 518 Diaz (Identical H 433, Compare H 1049, CS/CS/S 44) | Drones; Expanding the authorized uses of drones by a state agency or political subdivision to include the assessment of damage due to natural disasters, etc. MS 03/09/2021 Favorable CA RC | Favorable Yeas 5 Nays 0 |
| 2 | SB 770 Burgess (Similar H 873) | Military Affairs; Deleting a provision requiring that certain military personnel have the same salary and benefits as career service employees; modifying minimum qualifications and duties of the Adjutant General; specifying that a court-martial is an administrative procedure under the executive branch of state government; authorizing the Adjutant General, the Adjutant General's designee, or a military judge to issue and execute search authorizations under specified circumstances, etc. MS 03/09/2021 Favorable GO AP | Favorable Yeas 5 Nays 0 |
| 3 | SB 782 Cruz (Identical H 1347) | Educational Opportunities for Veterans; Providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive an award for the remaining cost of tuition and fees at state universities and Florida College System institutions; specifying applicability of other laws, etc. MS 03/09/2021 Fav/CS AED AP | Fav/CS Yeas 5 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDAMilitary and Veterans Affairs, Space, and Domestic Security
Tuesday, March 9, 2021, 9:00—11:30 a.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|---|--|--|----------------------------|
| 4 | SB 922 Burgess (Similar H 541) | Veterans' Preference in Employment; Authorizing the state and its political subdivisions to waive certain postsecondary educational requirements for employment for servicemembers and veterans who meet specified criteria; revising the list of positions that are exempt from veterans' preference requirements; requiring, rather than authorizing, each political subdivision to develop and implement a veterans' recruitment plan for specified purposes; modifying point preferences given to veterans and their family members when a numerically based selection process is used for hiring, etc. MS 03/09/2021 Favorable RC | Favorable Yeas 5 Nays 0 |
| 5 | SB 1262 Harrell (Identical H 399) | State Park Fee Discounts; Requiring the Division of Recreation and Parks to provide entrance passes for specified military members and veterans at no charge, etc. MS 03/09/2021 Favorable EN AP | Favorable Yeas 5 Nays 0 |
| 6 | SB 1512 Wright (Identical H 1201) | Space Florida Board of Directors; Revising the membership of the board of directors of Space Florida to include two ex officio, nonvoting members appointed by the Legislature, etc. MS 03/09/2021 Favorable GO RC | Favorable Yeas 5 Nays 0 |
| <hr/> Other Related Meeting Documents <hr/> | | | |

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 518

INTRODUCER: Senator Diaz

SUBJECT: Drones

DATE: March 8, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Stallard | Caldwell | MS | Favorable |
| 2. | | | CA | |
| 3. | | | RC | |

I. Summary:

SB 518 provides an additional exception to the statutory ban on certain uses of drones by law enforcement agencies, fire departments, state agencies, and political subdivisions of the state.

Currently, s. 934.50, F.S., prohibits a:

- Law enforcement agency from using a drone to gather evidence or other information.
- Person, or state or local entity, from using a drone to capture images of private property in violation of a person’s reasonable expectation of privacy.

However, these prohibitions are subject to exceptions, and the bill adds an exception. Specifically, under the bill, s. 943.50, F.S., no longer prohibits a state agency or political subdivision to use a drone for the assessment of damage due to a hurricane, a flood, a wildfire, or any other natural disaster.

The bill takes effect July 1, 2021.

II. Present Situation:

Overview

Section 934.50, F.S., prohibits a law enforcement agency from using a drone to gather information, and prohibits any person or state entity from using a drone to record an image of a person in violation of the person’s reasonable expectation of privacy.¹ However, these prohibitions are subject to several exceptions, including use for aerial mapping, to capture

¹ Section 934.50(3), F.S.

images for a utility company or communications services provider, or for specified law enforcement purposes.²

Federal law, unlike Florida law, does not include a statute or regulation expressly targeting governmental drone use that might invade a citizen's privacy. However, federal law does include various restrictions and regulations on drone use, including airspace restrictions and licensing requirements.

Drones

A drone, also called an Unmanned Aerial Vehicle (UAV) and Unmanned Aerial System (UAS), is defined in s. 934.50, F.S., as a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.³

Drones range in size from wingspans of 6 inches to 246 feet and can weigh from approximately 4 ounces to over 25,600 pounds.⁴ They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone.⁵

Federal Law and Regulation

Federal law and regulation govern who may fly a drone, as well as when and where the person may do so. The FAA is responsible for regulating aircraft, including drones, that fly in U.S. airspace.⁶ In February 2012, Congress passed the Federal Aviation Authority (FAA) Modernization and Reform Act of 2012 (Act), which required the FAA to safely open the nation's airspace to nongovernmental drones by September 2015.⁷

Neither federal law nor regulation categorically prohibit governmental agents to operate a drone over an area damaged by a hurricane, flood, wildfire, or other natural disaster. However, the FAA often implements Temporary Flight Restrictions around wildfires to protect firefighting

² See s. 934.50(4), F.S., for the list of exceptions.

³ Section 934.50(2), F.S.

⁴ 72 FR 6689, Federal Aviation Administration (FAA), *Unmanned Aircraft Operations in the National Airspace System*, February 13, 2007, available at <https://www.federalregister.gov/documents/2007/02/13/E7-2402/unmanned-aircraft-operations-in-the-national-airspace-system>.

⁵ *Id.*

⁶ See 49 U.S.C. s. 40103(b)(1) and (2).

⁷ Public Law 112-95, February 14, 2012, The FAA Modernization and Reform Act of 2012, *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses*, Congressional Research Service, April 3, 2013, available at www.fas.org/sgp/crs/natsec/R42701.pdf (last viewed February 3, 2021).

aircraft.⁸ Additional FAA airspace restrictions include the area around Washington, D.C., sports stadiums, and airports.⁹

Choice of Regulatory Framework for Governmental Operators

A governmental agent may operate a drone under one of two legal frameworks — that for “public unmanned aircraft systems,” or that for “small unmanned aircraft systems.” The framework for small unmanned aircraft systems is much more extensive, and it is the same framework under which a private citizen would operate a drone.¹⁰

The legal framework for “public unmanned aircraft systems” consists primarily of one statute.¹¹ Under this statute, a governmental operator may seek a certificate of authorization or certificate of waiver from the FAA.¹² If granted, the operator may operate a drone weighing 4.4 pounds or less.¹³ The drone must be kept within the line of sight of the operator and below 400 feet, and may only be operated during the day.¹⁴

Many governmental operators choose instead to operate their drones as “small unmanned aircraft systems.” These drones are subject to extensive regulations, codified in the Code of Federal Regulations, and first promulgated in 2016.¹⁵ These regulations were recently substantially amended, and the amendments take effect in March.¹⁶

As of March 16, 2021, operators of small drones (those under 55 pounds) will no longer need to seek special authorization before operating a drone that passes over people, including people in moving vehicles.¹⁷ However, the regulations pertaining to these flights vary somewhat,

⁸ FAA, *FAA Drones and Wildfires Digital Toolkit*, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last viewed February 3, 2021). Moreover, Congress has authorized the FAA to impose a civil penalty of up to \$20,000 against any drone pilot who interferes with wildfire suppression, law enforcement, or emergency response operations. FAA, *FAA Targets UAS Violators for Enforcement*, available at <https://www.faa.gov/news/updates/?newsId=91706> (last visited Feb. 4, 2021).

⁹ FAA, Unmanned Aircraft Systems, *Airspace Restrictions*, July 16, 2020, available at https://www.faa.gov/uas/where_to_fly/airspace_restrictions/ (last viewed February 7, 2021); *see also* FAA Drones and Wildfires Digital Toolkit, available at https://www.faa.gov/uas/media/FAA_drones_wildfires_toolkit.pdf (last viewed February 3, 2021).

¹⁰ FAA, *Drones in Public Safety—A Guide to Starting Operations* (Feb. 2019), available at https://www.faa.gov/uas/public_safety_gov/media/Law_Enforcement_Drone_Programs_Brochure.pdf; FAA, *A “UAS Primer for Public Safety”, Public Aircraft OPS VS Part 07*, (Jan. 2020), available at <https://www.faasafety.gov/files/gslac/library/documents/2020/Jan/233377/Public%20Safety%20PAO%20vs%20Part%20107%20Primer%20v2.1.pdf>. See 49 U.S.C. ch. 448 for the federal statutes pertaining to drones. The primary statute relating to public unmanned aircraft systems is 49 U.S.C. s. 44806, and the primary statute relating to small unmanned aircraft systems is 49 U.S.C. s. 44802. The rules authorized by 49 U.S.C. s. 44802 are at 14 C.F.R. 107.

¹¹ 49 U.S.C. s. 44806.

¹² See 49 U.S.C. s. 44806(a)(1).

¹³ 49 U.S.C. s. 44806(b)(2)(C).

¹⁴ *Id.*

¹⁵ See 14 C.F.R. 107.

¹⁶ FAA, *Operation of Small Unmanned Aircraft Systems Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-85>.

¹⁷ *Id.* Prior to this change, a drone operator who did not have special authorization could not fly a drone over people who were not in covered structure, stationary vehicle, or participating in the drone operation.

depending on the size of the craft.¹⁸ Moreover, operating a drone in *sustained* flight over an open-air assembly of people remains subject to restrictions.¹⁹ Under these restrictions, a drone must be equipped with individual identification as specified in rule and must continuously transmit specified information regarding its location.²⁰

However, these restrictions are subject to waiver by the FAA. Thus, if an operator receives a waiver, he or she does not have to meet the normal requirements for operating a drone over people.²¹

Florida Law

Florida’s Prohibition on Certain Drone Uses – Section 934.50, F.S.

Section 934.50, F.S., is the “Freedom from Unwarranted Surveillance Act.” Subject to exceptions, it prohibits a law enforcement agency²² from using a drone to gather information and prohibits private or governmental entities from using a drone to capture images in violation of a person’s reasonable expectation of privacy. For the purposes of this statute, a real property owner, tenant, occupant, invitee, or licensee is presumed to have a reasonable expectation of privacy from drone surveillance²³ while on the property.²⁴ However, this presumption only applies while the person is “not observable by persons located at ground level in a place where they have a right to be.”²⁵

Section 934.50, F.S., includes a list of ten exceptions to its ban on drone surveillance. These exceptions include specified uses by law enforcement, utilities, firefighters, businesses, and individuals. The statute provides that it does not prohibit drone use for aerial mapping, for specified purposes by a utility company, for the delivery of cargo, or for surveying of wildlife and vegetation by a non-law enforcement employee of the Florida Fish and Wildlife Commission.²⁶ With regard to law enforcement, the statute does not prohibit drone use that is

¹⁸ See 14 C.F.R. 107.110-165 (effective March 16, 2021), available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=20210115y1.103>. These provisions set forth Categories 1 through 4, each with its own requirements.

¹⁹ The FAA describes sustained flight to include “hovering above the heads of persons gathered in an open-air assembly, flying back and forth over an open-air assembly, or circling above the assembly in such a way that the small unmanned aircraft remains above some part of the assembly.” FAA, *Operation of Small Unmanned Aircraft Over People*, 86 FR 4314, available at <https://www.federalregister.gov/d/2020-28947/p-208>.

²⁰ See 14 C.F.R. 89.110 and 89.115(a) (effective March 16, 2021) for the details of these requirements, available at <https://www.ecfr.gov/cgi-bin/text-idx?SID=a70adf1ff1545784a28e989f2ddeae94&mc=true&node=pt14.2.89&rgn=div5>.

²¹ 14 C.F.R. 107.205.

²² A law enforcement agency is defined in s. 934.50(2)(d), F.S., as a lawfully established state or local public agency that is responsible for the prevention and detection of crime, local government code enforcement, and the enforcement of penal, traffic, regulatory, game, or controlled substance laws.

²³ Surveillance is defined in s. 934.50(2)(e), F.S.: With respect to an owner, tenant, occupant, invitee, or licensee of privately owned real property, the observation of such persons with sufficient visual clarity to be able to obtain information about their identity, habits, conduct, movements, or whereabouts; or with respect to privately owned real property, the observation of such property’s physical improvements with sufficient visual clarity to be able to determine unique identifying features or its occupancy by one or more persons.

²⁴ Section 934.50(3)(b), F.S.

²⁵ *Id.*

²⁶ See s. 934.50(4), F.S., for a complete list of the exceptions, including the specific circumstances required for each exception.

pursuant to a search warrant or when the agency has a reasonable suspicion that “swift action” is necessary to prevent the imminent loss of life, escape of a prisoner, or other specified circumstance.²⁷

Section 934.50, F.S. provides several remedies for victims of prohibited drone use.²⁸ In order to enforce the prohibition in s. 934.50, F.S., on the wrongful use of a drone by law enforcement, the statute provides that evidence collected in violation of the statute is inadmissible in court. Moreover, an aggrieved party may initiate a civil action against a law enforcement agency to obtain all appropriate relief in order to prevent or remedy a violation of s. 934.50, F.S.²⁹ Additionally, a victim may recover compensatory damages against any person or entity that violates s. 934.50, F.S., and may be entitled to punitive damages.³⁰

Fire Department Use of Drones

According to an October 2018 news article, fire departments use UAVs for reconnaissance of wildfires and motor vehicle accident scenes, hazmat incidents, and hot spot identification at structure fires. In addition to the reconnaissance function and hot spot identification, additional uses for UAVs include:

- Search and rescue, even in urban settings;
- Preplanning with aerial photos and video identifying water supply sources, utility shutoffs, and apparatus location planning;
- Winter and ice rescue; and
- Disaster assessment and post-disaster reconnaissance after weather events such as floods or tornados.³¹

The Mesa Fire and Medical Department in Mesa, Arizona, has also used drones in a variety of capacities, including:

- Gaining a 360-degree perspective on damaged structures;
- Surveying buildings to provide hazard assessments for property owners;
- Water rescue operations and flood damage assessment;
- Assisting with a search for a missing kindergarten teacher; and
- Demonstrating how drones outfitted with special meters and cameras to identify lethal chemicals in hazmat situations can help keep first responders safe.³²

²⁷ Section 934.50(4)(b) and (c), F.S. Section 934.50, F.S., also does not prohibit the use of a drone to counter a high risk of a terrorist attack if the Secretary of the U.S. Department of Homeland Security indicates that such a risk exists. Section 934.50(4)(a), F.S.

²⁸ See s. 934.50(5), F.S.

²⁹ Section 934.50(5)(a), F.S.

³⁰ See s. 934.50(5), F.S., for the complete list of remedies.

³¹ Fire Apparatus & Emergency Equipment, Alan M. Petrillo, *Fire Department Drones Serve a Variety of Needs on Incident Scenes*, October 1, 2018, available at <https://www.fireapparatusmagazine.com/fire-apparatus/fire-department-drones-serve-a-variety-of-needs-on-incident-scenes/#gref> (last viewed February 3, 2021).

³² Wayne Schutsky, East Valley Tribune, *Ariz. Fire, EMS Leads the Way with Drone Use*, December 20, 2017, available at <https://www.ems1.com/ems-products/technology/articles/370989048-Ariz-fire-EMS-leads-the-way-with-drone-use/> (last viewed February 3, 2021).

In Brevard County, Fire Rescue personnel have been trained to test for the FAA drone pilot certification³³ so they can conduct search-and-rescue operations, ocean rescue, map brush fires, and examine burning buildings to identify safe entry points for firefighters using drones.³⁴

Other Governmental Uses for Drones

Drones are becoming useful for governmental functions outside policing. For example, the Daytona Beach Police Department utilized its drones to document the state of the city's infrastructure immediately before and after Hurricane Irma came through in September 2017 to provide the Federal Emergency Management Agency with the proof necessary to obtain funding for rebuilding. Additionally, the department was able to aid first responders in navigating the fastest and safest routes to those in need of aid by providing a birds-eye view to downed power lines, unstable infrastructure, and blocked roads in the wake of the storm.³⁵

III. Effect of Proposed Changes:

SB 518 provides an additional exception to the statutory ban on certain uses of drones by law enforcement agencies, fire departments, state agencies, and political subdivisions of the state.

Currently, s. 934.50, F.S., prohibits a:

- Law enforcement agency from using a drone to gather evidence or other information.
- Person, or state or local entity, from using a drone to capture images of private property in violation of a person's reasonable expectation of privacy.

However, these prohibitions are subject to exceptions, and the bill adds an exception. Specifically, under the bill, s. 943.50, F.S., no longer prohibits a state agency or political subdivision to use a drone for the assessment of damage due to a hurricane, a flood, a wildfire, or any other natural disaster.

The bill takes effect July 1, 2021.

³³ Federal Aviation Administration, *Become a Drone Pilot*, available at https://www.faa.gov/uas/commercial_operators/become_a_drone_pilot/ (last viewed February 3, 2021).

³⁴ Rick Neale, Florida Today, *Florida Tech drone training takes flight for Brevard County firefighters, lifeguards*, November 30, 2018, available at <https://www.floridatoday.com/story/news/2018/11/30/florida-tech-drone-training-takes-flight-brevard-firefighters/2140086002/> (last viewed February 3, 2021).

³⁵ Police1.com, Jinnie Chua, *Why drones should be part of every PD's disaster response plan*, February 22, 2018, available at <https://www.policeone.com/2018-guide-drones/articles/471474006-Why-drones-should-be-part-of-every-PDs-disaster-response-plan/> (last viewed February 3, 2021); for additional ways the Daytona Beach Police Department has utilized its drones see Stephen Rice, Forbes.com, *10 Ways That Police Use Drones To Protect And Serve*, October 7, 2019, available at <https://www.forbes.com/sites/stephenrice1/2019/10/07/10-ways-that-police-use-drones-to-protect-and-serve/?sh=5a1b31d96580> (last viewed January 8, 2021); and Ginger Pinholster, Fox News 35, Orlando, *Eyes in the Sky and Embry-Riddle Training Help Police End Hotel Standoff*, September 27, 2019, available at <https://news.erau.edu/headlines/eyes-in-the-sky-and-embry-riddle-training-help-police-end-hotel-standoff> (last viewed February 3, 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:

None.

C. Government Sector Impact:

The bill could lead to cost-savings by state and local governments. The bill provides additional exceptions to the statutory ban on drone use by governmental agents. Accordingly, these entities may be able to use drones, for instance, to more efficiently assess an area ravaged by a hurricane or fire.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 934.50 and reenacts section 330.41 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Diaz

36-00595-21

2021518__

A bill to be entitled

An act relating to drones; amending s. 934.50, F.S.; expanding the authorized uses of drones by a state agency or political subdivision to include the assessment of damage due to natural disasters; reenacting s. 330.41(4)(c), F.S., relating to unmanned aircraft systems, to incorporate the amendment made to s. 934.50, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (3) of section 934.50, Florida Statutes, is amended, and paragraph (1) is added to subsection (4) of that section, to read:

934.50 Searches and seizure using a drone.—

(3) PROHIBITED USE OF DRONES.—Except as provided under subsection (4):

(a) A law enforcement agency may not use a drone to gather evidence or other information.

(b) A person, a state agency, or a political subdivision as defined in s. 11.45 may not use a drone equipped with an imaging device to record an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance on the individual or property captured in the image in violation of such person's reasonable expectation of privacy without his or her written consent. For purposes of this section, a person is presumed to have a reasonable expectation of privacy on his or

Page 1 of 2

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36-00595-21

2021518__

her privately owned real property if he or she is not observable by persons located at ground level in a place where they have a legal right to be, regardless of whether he or she is observable from the air with the use of a drone.

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

(1) By a state agency or political subdivision for the assessment of damage due to a hurricane, a flood, a wildfire, or any other natural disaster.

Section 2. For the purpose of incorporating the amendment made by this act to section 934.50, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 330.41, Florida Statutes, is reenacted to read:

330.41 Unmanned Aircraft Systems Act.—

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. A federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity.

2. A law enforcement agency that is in compliance with s. 934.50, or a person under contract with or otherwise acting under the direction of such law enforcement agency.

3. An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.

Section 3. This act shall take effect July 1, 2021.

Page 2 of 2

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



SENATOR MANNY DIAZ, JR.
36th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy Chair
Appropriations Subcommittee on
Education Vice Chair
Appropriations
Appropriations Subcommittee on Health
and Human Services
Education
Commerce and Tourism
Rules

January 25, 2021

Honorable Senator Wright
Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Honorable Chair Wright,

I respectfully request Senate Bill Number 518 Drones be placed on the next committee agenda.

Sincerely appreciate your support.

A handwritten signature in blue ink, appearing to read "M. Diaz".

Senator Manny Diaz, Jr.
Florida Senate, District 36

CC: Diana Caldwell, Staff Director
Lois Graham, Committee Administrative Assistant
Carolyn Grzan, Legislative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

Wilton Simpson
President of the Senate

Aaron Bean
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/9/2021

Meeting Date

SB 518

Bill Number (if applicable)

Topic DRONES

Amendment Barcode (if applicable)

Name KENNETH C MORROW SR

Job Title MEMBER, LEGISLATIVE ACTION COMMITTEE

Address _____ Phone _____

Street

MELBOURNE FL

City

State

Zip

Email MORROW827505@flsenate.gov

Speaking: For Against Information

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

Representing REPUBLICAN LIBERTY COUNCIL 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.

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)

578

Meeting Date _____

Bill Number (if applicable) _____

Topic Drones

Amendment Barcode (if applicable) _____

Name Barney Bishop

Job Title _____

Address 2215 Thomersville

Phone _____

Street

Tall

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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 770

INTRODUCER: Senator Burgess

SUBJECT: Military Affairs

DATE: March 8, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Stallard | Caldwell | MS | Favorable |
| 2. | | | GO | |
| 3. | | | AP | |

I. Summary:

SB 770 revises several provisions relating to courts-martial of the Florida National Guard (FLNG), reduces the minimum qualifications for a candidate for Adjutant General or Assistant Adjutant General, and specifies that the Adjutant General is the commanding general of the (FLNG) with authority to convene a general or special courts-martial.

Regarding courts-martial, the bill provides:

- The Uniform Code of Military Justice (UCMJ), together with chapter 250 of the Florida Statutes, is to be referred to as the Florida Code of Military Justice (FCMJ).
- Members of the FLNG are subject to discipline under the FCMJ while in civilian status, as well as while in military status (as under current law).
- Jurisdiction over a servicemember is established by his or her membership in the FLNG; it is not dependent, for instance, on the member's status at the time of the offense.
- A court-martial has subject matter jurisdiction over an offense if a nexus exists between an offense and the state military force.
- A civilian court has jurisdiction over a nonmilitary offense of both the FCMJ and local criminal law.
- The military judge in a general or special court-martial must be qualified by attendance at Judge Advocate General school or be certified as qualified by the Adjutant General—current law requires both.
- The military judge in a summary court-martial must be a commissioned officer who is appointed by the Summary Courts-Martial Authority or any higher authority.
- Increased possible punishments in a general court-martial.
- Modified punishment options in special and summary courts-martial.

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

The bill takes effect July 1, 2021.

II. Present Situation:

Overview

The Florida National Guard (FLNG) is the organized militia of the state.¹ Its mission includes maintaining readiness to support national and state security efforts, as well as leading or assisting in humanitarian and logistical operations. These operations include hurricane preparation and recovery, as well as the pandemic response. The Governor is the commander in chief of the FLNG and the Adjutant General is its chief of staff.² The FLNG has an Army component and an Air component, each of which has an Assistant Adjutant General who is also its Commander.³

A servicemember of the FLNG who violates the Uniform Code of Military Justice (UCMJ) is subject to discipline in a military court called a court-martial.⁴ There are three main types of court-martial: general, special, and summary.⁵ The first two hear the more serious cases, and a servicemember who is found guilty and is sentenced in a general or special court-martial may appeal his or her case to the First District Court of Appeal.⁶

Adjutant General

The Adjutant General is the head of the Department of Military Affairs⁷ and the chief of staff of the Florida National Guard. The Adjutant General is appointed by the Governor, subject to Senate confirmation.⁸ The Adjutant General may, upon delegation of authority by the Governor, convene a general court-martial.⁹

The Florida Statutes provide the minimum qualifications for a candidate to be Adjutant General.¹⁰ He or she must be a federally recognized officer of the Florida National Guard who has served for the preceding 5 years.¹¹

¹ Section 250.02(2), F.S. The nonorganized militia is composed of all ablebodied inhabitants of the state who are or have declared their intention to become citizens of the United States. FLA. CONST. art. X, sec. 2(a).

² Section 250.06(1), F.S.

³ Florida National Guard, *Assistant Adjutant General—Army and Commander*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Army.aspx> (last visited March 3, 2021); Florida National Guard, *Assistant Adjutant General—Air and Commander*, <https://fl.ng.mil/leadership/Pages/Assistant-Adjutant-General-Air.aspx> (last visited March 3, 2021).

⁴ Section 250.35, F.S.

⁵ Section 250.35, F.S.

⁶ Section 250.35(10)(b), F.S.

⁷ Section 250.05(3), F.S. The Department of Military Affairs provides management oversight and administrative support to the FLNG. Florida National Guard, *Florida Department of Military Affairs*, <https://fl.ng.mil/about/Pages/Florida-Department-of-Military-Affairs.aspx>, (last visited Feb. 18, 2021).

⁸ Section 250.10(1), F.S.

⁹ Section 250.06(6), F.S.

¹⁰ *See* s. 250.10(1), F.S.

¹¹ *Id.*

Courts-Martial

Overview

A court-martial is a military tribunal authorized by the Florida Constitution and the Florida Statutes to adjudicate cases against members of the Florida National Guard.¹² It is an administrative proceeding of the executive branch.¹³ A court-martial may be “general,” “special,” or “summary,” depending on the severity of the alleged offense in a given case. The types of court-martial also vary in terms of the punishments authorized and process due the accused.

Basis in Florida Law

The Florida Constitution provides that the “disciplining of the militia” may be provided by law.¹⁴ Moreover, the Constitution requires this discipline to “conform to the appropriate United States army or air force regulations and usages.”¹⁵

Accordingly, the Florida Statutes provide that federal “laws that relate to the Florida National Guard . . . are part of the military laws of the state.”¹⁶ And s. 250.03, F.S., adopts the Uniform Code of Military Justice (UCMJ) and the Manual for Courts-Martial for use by the Florida National Guard.¹⁷

Jurisdiction

A court-martial may try a member of the FLNG for any crime or offense made punishable in the UCMJ,¹⁸ regardless of where the member was serving at the time of the offense.¹⁹ However, a service member may not be tried for offenses committed while in civilian status.²⁰

Searches

Neither the Florida Statutes nor the UCMJ specify who may authorize a search or which areas may be searched. However, the Military Rules of Evidence authorize a commander or military judge to issue a search authorization, which is the military law equivalent of a search warrant.²¹ Under the Fourth Amendment to the Constitution, a search generally must be conducted pursuant to a search warrant that is supported by probable cause.²²

¹² See s. 250.35, F.S.; FLA. CONST. art X, sec. 2.

¹³ See *Waterman v. State*, 654 So. 2d 150, 152-53 (Fla. 1st DCA 1995).

¹⁴ FLA. CONST. art X, sec. 2.

¹⁵ *Id.*

¹⁶ Section 250.03, F.S.

¹⁷ Section 250.35, F.S.

¹⁸ Section 250.35(2), F.S. However, a commissioned officer, warrant officer, or cadet may not be tried by summary courts-martial. *Id.*

¹⁹ See s. 250.351(1), F.S.

²⁰ See *Id.*; see generally, *U.S. v. Wolpert* 75 M.J. 777, 781 (U.S. Army Ct. of Mil. App. 2016).

²¹ Mil. R. Evid. 316.

²² See *California v. Carney*, 471 U.S. 386, 390-91 (1985).

General Court-Martial

A general court-martial hears the most serious cases.²³ It may be convened by order of the President of the United States, the Governor, or the Adjutant General as delegated by the Governor.²⁴ In a general court-martial, the defendant has the right to be tried by a judge and a panel of officers.²⁵ However, a defendant may waive his or her right to a trial by panel and may request a trial by only a judge.²⁶

If convicted in a general court-martial, a defendant could face one or more of the following punishments:

- A fine of \$500 or less.
- Confinement of 200 days or less.
- Forfeiture of all pay and allowances.
- Reprimand, dismissal, or dishonorable discharge from the service.
- Reduction to the lowest enlisted grade or any intermediate grade for enlisted personnel.²⁷

Special Court-Martial

Another type of court-martial is the special court-martial. These come in two types, one that has bad conduct discharge authority and one that does not.

The first type may be convened by the commander of each major command of the FLNG who is not in active service of the United States, or his or her superior commander.²⁸ This type of court-martial may impose the same punishments as a general court-martial, except that it may not impose a fine of over \$300 or confinement exceeding 100 days.²⁹

Compared to a special court-martial that has discharge authority, one without that authority may be convened by a much larger class of persons.³⁰ More specifically, this court-martial may be convened by the commanding officer of any place where troops are on duty, such as a fort or air base.³¹ Additionally, the commanding officer of any division, brigade, group, regiment, battalion, wing, or squadron may convene a special court-martial for his or her command.³²

Summary Court-Martial

The last type of court-martial is a summary court-martial, which hears the least-serious offenses.³³ It may be convened by a person who is authorized to convene a general or special court-martial, such as the commander of a major command of the FLNG.³⁴ This type of court-

²³ Additionally, an enlisted defendant may request that the panel include enlisted members. *Id.*

²⁴ Section 250.35(3), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Section 250.35, F.S.

²⁸ Section 250.35(5), F.S.

²⁹ *Id.*

³⁰ *See s. 250.35(6), F.S.*

³¹ *Id.*

³² *Id.* A superior commander also may convene this type of court-martial “when advisable.” *Id.*

³³ Section 250.35(7), F.S.

³⁴ *See s. 250.35(5), F.S.*

martial may also be convened by the commanding officer of each battalion, higher headquarters, or similar type unit may when he or she is not in active duty of the United States.

A summary court-martial may impose one or more of the following punishments:

- A fine of \$200 or less per offense.
- Confinement of 25 days or less.
- Forfeiture of pay and allowances.
- Reduction by one grade.³⁵

Appeals

A servicemember who is found guilty and is sentenced to imprisonment under a general or special court-martial may appeal the decision to the First District Court of Appeal.³⁶ Moreover, any “dismissal of a general or special court-martial by the military judge which does not violate the defendant’s constitutional rights may be appealed by the Florida National Guard to the First District Court of Appeal.”³⁷

In a summary court-martial, a servicemember may appeal a finding of guilt or sentence to the convening authority. And a servicemember who is sentenced to imprisonment may appeal the finding of guilt or the sentence to the Adjutant General.³⁸

Nonjudicial Punishment

As an alternative to a court-martial, a commander may impose nonjudicial punishment. This punishment may not exceed:

- Oral or written reprimand.
- Extra duty for 14 days.
- Restriction for 14 days.
- Fines of \$200.
- Reduction by one grade of a member whom the commander had the authority to promote.³⁹

These punishments may be combined, however a combination of extra duty and restriction may not exceed 14 days.⁴⁰

III. Effect of Proposed Changes:

The bill revises several provisions relating to courts-martial of the Florida National Guard (FLNG), eases the minimum qualifications for a candidate for Adjutant General or Assistant Adjutant General, and provides that the Adjutant General is the commanding general of the (FLNG) with authority to convene general or special courts-martial.

³⁵ Section 250.35(7), F.S.

³⁶ Section 250.35(10)(a), F.S.

³⁷ Section 250.35(1)(b), F.S.

³⁸ Section 250.35(9), F.S.

³⁹ Section 250.35(8), F.S.

⁴⁰ *Id.*

Under the bill, a candidate for Adjutant General must have served in the Florida National Guard for 5 years, rather than for the preceding 5 years. A candidate for Assistant Adjutant General must have served in the FLNG for 3 years, instead of the preceding 3 years.

Regarding courts-martial, the bill provides:

- The Uniform Code of Military Justice (UCMJ), together with chapter 250 of the Florida Statutes, is to be referred to as the Florida Code of Military Justice (FCMJ).
- Members of the FLNG are subject to discipline under the FCMJ while in civilian status, as well as while in military status; under current law, members are subject to the military law only while in military status.
- Jurisdiction over a servicemember is established by his or her membership in the FLNG (regardless of their military or civilian status at the time of offense).
- The Adjutant General, his or her designee, or a military judge may issue and execute a search authorization for a place that the FLNG or Department of Military Affairs has control over.
- A court-martial has subject matter jurisdiction over an offense if a nexus exists between an offense and the state military force.
- A civilian court has primary jurisdiction over a nonmilitary offense of both the FCMJ and local criminal law.
- A member of the FLNG may be subjected to a court-martial under the FCMJ for an offense committed while in the service of the United States, but only after the commander who has authority to prosecute the offense under the UCMJ declines to prosecute for the offense.
- The Adjutant General may convene a general court-martial—current law requires the Governor to have delegated this authority to the Adjutant General.
- The military judge in a general or special court-martial must be qualified by attendance at Judge Advocate General school or be certified as qualified by the Adjutant General—current law requires both.
- The military judge in a summary court-martial must be a commissioned officer who is appointed by the Summary Courts-Martial Authority or any higher authority.
- An increase in the maximum term of confinement for a servicemember found guilty in a general court-martial from 200 days to 367 days.

Additionally, for a person found guilty in a special court-martial authorized to adjudicate a bad conduct discharge, the bill increases the maximum fine from \$300 to \$400, and it provides that a term of pay forfeiture may not exceed 1 year.

In a special court-martial not authorized to adjudicate a bad conduct discharge, the bill limits a term of forfeiture of pay and allowances to 60 days or less.

Regarding possible punishments in a summary court-martial, the bill provides:

- A term of forfeiture of pay and allowances may not exceed 60 days.
- The presiding officer may reduce the guilty person's pay by two grades—current law allows for a reduction of only one pay grade.
- A person may be subjected to confinement and a fine; current law prohibits this combination.

Regarding nonjudicial punishments, the bill provides greater specificity as to which commanders may issue punishment with respect to varying classes of servicemembers. The bill also provides

that a servicemember may have his or her rank reduced by nonjudicial punishment and specifies who may do so with regard to a given servicemember. A member may also have his or her pay grade reduced by two grades, as opposed to one as under current law, or may have his or her pay forfeited for 14 days or less.

In several respects, the bill restricts or provides greater specificity for several punishment options. For example, where current law provides that a guilty service member may be subject to “restriction,” the bill specifies that this is restriction to certain places, such as the armory.

The bill provides that a commander may suspend a nonjudicial punishment.

The bill also makes technical revisions, updates current job titles and removes obsolete job titles in ss. 110.205 and 121.055, F.S.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 110.205, 121.055, 250.10, 250.35, 250.351, 250.36, 250.375, and 250.40.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Burgess

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1 A bill to be entitled
 2 An act relating to military affairs; amending s.
 3 110.205, F.S.; deleting a provision requiring that
 4 certain military personnel have the same salary and
 5 benefits as career service employees; amending s.
 6 121.055, F.S.; revising the list of positions in the
 7 Department of Military Affairs subject to compulsory
 8 membership in the Senior Management Service Class of
 9 the Florida Retirement System; amending s. 250.10,
 10 F.S.; modifying minimum qualifications and duties of
 11 the Adjutant General; modifying the minimum
 12 qualifications for additional officers appointed by
 13 the Adjutant General; amending s. 250.35, F.S.;
 14 designating the provisions of ch. 250, F.S., and the
 15 Uniform Code of Military Justice as the Florida Code
 16 of Military Justice; specifying that a court-martial
 17 is an administrative procedure under the executive
 18 branch of state government; revising procedures
 19 applicable to various court-martial proceedings;
 20 revising the types of punishments a person found
 21 guilty in a court-martial proceeding is subject to;
 22 authorizing certain commanders to suspend punishment,
 23 subject to specified limitations; authorizing Florida
 24 National Guard regulations to provide for nonjudicial
 25 punishment; specifying the authority of certain
 26 commanders to reduce grades of enlisted personnel,
 27 subject to specified limitations; modifying procedures
 28 governing appeals of a court-martial finding and
 29 sentence; amending s. 250.351, F.S.; revising

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30 provisions governing the applicability of ch. 250,
 31 F.S., and the Florida Code of Military Justice;
 32 specifying conditions under which subject matter
 33 jurisdiction is established in certain cases; amending
 34 s. 250.36, F.S.; authorizing the Adjutant General, the
 35 Adjutant General's designee, or a military judge to
 36 issue and execute search authorizations under
 37 specified circumstances; amending s. 250.375, F.S.;
 38 revising authorization for certain physicians serving
 39 as medical officers with, or in support of, the
 40 Florida National Guard to practice medicine under
 41 certain circumstances; amending s. 250.40, F.S.;
 42 revising the composition of the Armory Board;
 43 authorizing board members to request excusal from an
 44 Armory Board meeting; providing for the designation of
 45 an alternate board member in the event of an excusal;
 46 modifying a provision governing the length of the term
 47 of board members; conforming a cross-reference;
 48 providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Paragraph (p) of subsection (2) of section
 53 110.205, Florida Statutes, is amended to read:
 54 110.205 Career service; exemptions.—
 55 (2) EXEMPT POSITIONS.—The exempt positions that are not
 56 covered by this part include the following:
 57 (p) ~~1~~ All military personnel of the Department of Military
 58 Affairs. Unless otherwise fixed by law, the salary and benefits

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59 for such military personnel shall be set by the Department of
60 Military Affairs in accordance with the appropriate military pay
61 schedule.

62 ~~2. The military police chiefs, military police officers,
63 firefighter trainers, firefighter rescuers, and electronic
64 security system technicians shall have salary and benefits the
65 same as career service employees.~~

66 Section 2. Paragraph (g) of subsection (1) of section
67 121.055, Florida Statutes, is amended to read:

68 121.055 Senior Management Service Class.—There is hereby
69 established a separate class of membership within the Florida
70 Retirement System to be known as the "Senior Management Service
71 Class," which shall become effective February 1, 1987.

72 (1)

73 (g) Effective July 1, 1996, participation in the Senior
74 Management Service Class is shall be compulsory for any member
75 of the Florida Retirement System employed with the Department of
76 Military Affairs in the positions of the Adjutant General,
77 Assistant Adjutant General-Army, Assistant Adjutant General-Air,
78 State Quartermaster, Director of Human Resources, Director of
79 Legislative Affairs, Inspector General, Executive Officer
80 ~~Military Personnel, Director of Administration~~, and additional
81 directors as designated by the agency head, not to exceed a
82 total of 10 positions. In lieu of participation in the Senior
83 Management Service Class, such members may participate in the
84 Senior Management Service Optional Annuity Program ~~as~~
85 established in subsection (6) if enrolled in the program before
86 July 1, 2017.

87 Section 3. Subsections (1), (2), (4), and (5) of section

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88 250.10, Florida Statutes, are amended to read:

89 250.10 Appointment and duties of the Adjutant General.—

90 (1) In case of a vacancy, the Governor shall, subject to
91 confirmation by the Senate, appoint a federally recognized
92 officer of the Florida National Guard, who has served in the
93 Florida National Guard for at least ~~the preceding~~ 5 years and
94 attained the rank of colonel or higher, to be the Adjutant
95 General of the state with the rank of not less than brigadier
96 general or such higher rank as authorized by applicable tables
97 of organization of the Department of the Army or the Department
98 of the Air Force. The Adjutant General and all other military
99 personnel of the Florida National Guard on full-time military
100 duty with the Department of Military Affairs, except military
101 police and firefighters, who are paid from state funds shall
102 receive the pay and allowances of their respective grade as
103 prescribed by applicable pay tables of the national military
104 establishment for similar grade and period of service of
105 personnel, unless a different rate of pay and allowances is
106 specified in an appropriation act of the Legislature. An
107 officer, with his or her consent, may be ordered to state active
108 duty for administrative duty with the Department of Military
109 Affairs at a grade lower than the officer currently holds.

110 (2) The Adjutant General shall:

111 (a) Serve as the commanding general of Florida's organized
112 militia.

113 (b) Supervise the receipt, preservation, repair,
114 distribution, issue, and collection of all arms and military
115 equipment of the state.

116 (c) ~~(b)~~ Supervise all troops and branches of the Florida

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117 National Guard, including their organization, armament,
118 discipline, training, recruiting, inspection, instruction, pay,
119 subsistence, and supplies.

120 (d)~~(e)~~ Maintain records of all military personnel of the
121 Florida National Guard, and maintain copies of all orders,
122 reports, and communications received and issued by him or her.

123 (e)~~(d)~~ Cause the law and orders relating to the Florida
124 National Guard to be indexed, printed, and bound, and prepare
125 and publish blank books, forms, and stationery when necessary,
126 and furnish them at the expense of the state.

127 (f)~~1.(e)1.~~ Prepare and publish by order of the Governor
128 orders, rules, and regulations, consistent with law, to bring
129 the organization, armament, equipment, training, and discipline
130 of the Florida National Guard to a state of efficiency as near
131 as possible to that of the regular United States Army and Air
132 Force, and the Adjutant General shall attest all orders of the
133 commander in chief relating to the Florida National Guard.

134 2. Establish by directive an organized and supervised
135 physical fitness program for military personnel of the
136 Department of Military Affairs, provided that the program does
137 not exceed 1 hour per day, for a maximum of 3 hours per week,
138 and originates and terminates at the normal worksite. All fees,
139 membership dues, equipment, and clothing relating to such
140 physical fitness program shall be at no cost to the state.
141 Administrative leave, not to exceed 3 hours per week, shall be
142 provided by the department to all personnel authorized to
143 participate in the physical fitness program.

144 3. Establish by directive a post exchange store for members
145 of the Florida National Guard, their families, guests, and other

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146 authorized users. The post exchange store shall be located at
147 the Camp Blanding Training Site. The primary purpose of the
148 store is to provide for the morale, recreation, and welfare of
149 all servicemembers training at the Camp Blanding Training Site.
150 The operation of the post exchange store must be in accordance
151 with state and federal laws, rules, and regulations. Profits of
152 the post exchange store, if any, shall be deposited in the Camp
153 Blanding Management Trust Fund and shall be used to enhance the
154 facilities and services provided by the Camp Blanding Training
155 Site. The Adjutant General may establish an account with a
156 federally insured financial institution in the state to
157 facilitate the operations of the post exchange store.

158 (g)~~(f)~~ Prepare reports required by the Secretary of
159 Defense.

160 (h)~~(g)~~ Perform other duties required of the Adjutant
161 General by the commander in chief.

162 (i)~~(h)~~ Employ personnel as necessary for the proper conduct
163 of the Department of Military Affairs. The Adjutant General may
164 accept personnel provided by the Federal Government.

165 (j)~~(i)~~ Establish and maintain as part of the Adjutant
166 General's office a repository of records of the services of
167 Florida troops during all wars, and be the custodian of all
168 records, relics, trophies, colors, and histories relating to
169 such wars which are possessed or acquired by the state.

170 (k)~~(j)~~ Maintain a seal of office, approved by the commander
171 in chief, and all copies of papers in his or her office, duly
172 certified and authenticated under the seal, are admissible in
173 evidence in all cases in like manner as if the original were
174 produced.

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175 ~~(l)(*)~~ Provide, upon request, a summary to the Governor on
 176 the number and condition of the Florida National Guard and the
 177 number and condition of the arms and property in the custody of
 178 the state, and transmit to the Governor at that time a detailed
 179 report of all funds and moneys received and disbursed by the
 180 Department of Military Affairs. The Adjutant General may also
 181 recommend needed legislation as he or she deems proper.

182 ~~(m)(1)~~ Subject to annual appropriations, administer youth
 183 About Face programs and adult Forward March programs at sites to
 184 be selected by the Adjutant General. Both programs must provide
 185 schoolwork assistance, focusing on the skills needed to master
 186 basic high school competencies and functional life skills,
 187 including teaching students to work effectively in groups;
 188 providing basic instruction in computer skills; teaching basic
 189 problem-solving, decisionmaking, and reasoning skills; teaching
 190 how the business world and free enterprise work through computer
 191 simulations; and teaching home finance and budgeting and other
 192 daily living skills.

193 1. About Face is a summer and year-round after-school life-
 194 preparation program for economically disadvantaged and at-risk
 195 youths from 13 through 17 years of age. The program must provide
 196 training in academic study skills, and the basic skills that
 197 businesses require for employment consideration.

198 2. Forward March is a job-readiness program for
 199 economically disadvantaged participants who are directed to
 200 Forward March by the local workforce development boards. The
 201 Forward March program shall provide training on topics that
 202 directly relate to the skills required for real-world success.
 203 The program shall emphasize functional life skills, computer

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204 literacy, interpersonal relationships, critical-thinking skills,
 205 business skills, preemployment and work maturity skills, job-
 206 search skills, exploring careers activities, how to be a
 207 successful and effective employee, and some job-specific skills.
 208 The program also shall provide extensive opportunities for
 209 participants to practice generic job skills in a supervised work
 210 setting. Upon completion of the program, Forward March shall
 211 return participants to the local workforce development boards
 212 for placement in a job placement pool.

213 ~~(n)(m)~~ Order troops to state active duty for training,
 214 subject to approved appropriations or grants.

215 ~~(o)(n)~~ Issue decorations and awards pursuant to military
 216 regulations and instructions.

217 (4) (a) The Adjutant General shall, subject to confirmation
 218 by the Senate, employ a federally recognized officer of the
 219 Florida National Guard, who has served in the Florida Army Guard
 220 for at least 3 ~~the preceding 5~~ years and attained the rank of
 221 colonel or higher at the time of appointment, to be the
 222 Assistant Adjutant General for Army.

223 (b) The Adjutant General may, subject to confirmation by
 224 the Senate, employ an additional, federally recognized officer
 225 of the Florida National Guard, who has served in the Florida
 226 Army Guard for at least 3 ~~the preceding 5~~ years and attained the
 227 rank of colonel or higher at the time of appointment, to be a
 228 second Assistant Adjutant General for Army.

229
 230 Each officer shall perform the duties required by the Adjutant
 231 General.

232 (5) The Adjutant General shall, subject to confirmation by

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 233 the Senate, employ a federally recognized officer of the Florida
 234 National Guard, who has served in the Florida Air Guard for at
 235 least 3 the preceding 5 years and attained the rank of colonel
 236 or higher at the time of appointment, to be the Assistant
 237 Adjutant General for Air. The officer shall perform the duties
 238 required by the Adjutant General.

239 Section 4. Section 250.35, Florida Statutes, is amended to
 240 read:

241 250.35 Florida Code of Military Justice Courts-martial.-
 242 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.
 243 ss. 801 et seq., and the Manual for Courts-Martial (2019 2012
 244 Edition) are adopted for use by the Florida National Guard,
 245 except as otherwise provided by this chapter. The UCMJ, together
 246 with the provisions of this chapter, shall be referred to as the
 247 Florida Code of Military Justice (FCMJ).

248 (2) Courts-martial may try a member of the Florida National
 249 Guard for any crime or offense made punishable under the FCMJ by
 250 the Uniform Code of Military Justice (2012 Edition), except that
 251 a commissioned officer, warrant officer, or cadet may not be
 252 tried by summary courts-martial.

253 (3) A court-martial in this state is an administrative
 254 procedure of the executive branch and not a court under the
 255 control of the judicial branch.

256 (4) Courts-martial in the state consist of shall be of
 257 three kinds, namely: general courts-martial, special courts-
 258 martial, and summary courts-martial. General courts-martial and
 259 special courts-martial shall be tried by a military judge and a
 260 panel of officers pursuant to the Manual for Courts-Martial,
 261 except as otherwise provided by Florida as designated in

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 262 ~~applicable~~ National Guard regulations. However, a panel may
 263 include enlisted members, at the request of an enlisted person
 264 who is accused of a crime or an offense defendant. The military
 265 judge in a general court-martial or special court-martial must
 266 be qualified by attendance at appropriate Judge Advocate General
 267 schools or and must be certified as qualified by the Adjutant
 268 General of Florida. In a general and special court-martial, the
 269 accused defendant may waive trial by panel and request trial by
 270 military judge alone. The granting of such waiver is shall be in
 271 the military judge's discretion. The military judge in a summary
 272 court-martial must be a commissioned officer who is appointed by
 273 the Summary Courts-Martial Convening Authority or any higher
 274 authority.

275 (5) ~~(4)~~ General courts-martial in the Florida National Guard
 276 may be convened by order of the President of the United States,
 277 the Governor, or the Adjutant General. This duty may not be
 278 delegated. as delegated by the Governor, and Such courts may,
 279 upon a finding of guilt, adjudge no punishment or adjudge any
 280 one or more of the following punishments:

281 (a) Confinement in an appropriate penal institution for a
 282 period not to exceed 367 days.

283 (b) Dismissal or discharge from the Florida National Guard
 284 with a characterization of service deemed appropriate by the
 285 military judge or enlisted members, including a dishonorable or
 286 bad conduct discharge.

287 (c) A fine not to exceed \$500 per violation.

288 (d) Forfeiture of all pay and allowances, or a portion
 289 thereof.

290 (e) Reduction to the lowest or any intermediate pay grade

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291 of enlisted persons.

292 (f) A written reprimand filed in the official military
 293 personnel file of the person found guilty adjudge a fine not
 294 exceeding \$500, confinement not in excess of 200 days,
 295 forfeiture of all pay and allowances, reprimand, dismissal, or
 296 dishonorable discharge from the service, and reduction to the
 297 lowest enlisted grade or any intermediate grade for enlisted
 298 personnel. Any two or more of such punishments may be combined
 299 in the sentence authorized in this section.

300 (6)(5) Special courts-martial authorized to adjudicate a
 301 bad conduct discharge in ~~When not in the active service of the~~
 302 ~~United States, the commanding officer of each major command of~~
 303 ~~the Florida National Guard or his or her superior commander may~~
 304 ~~be convened by order of commanding officers of the Florida~~
 305 ~~National Guard who are in the accused's chain of command and~~
 306 ~~hold the rank of colonel, or any person who is authorized to~~
 307 ~~convene a general court-martial convene special courts-martial~~
 308 ~~empowered to adjudicate a bad conduct discharge from the~~
 309 ~~service, subject to the procedural protections provided in 10~~
 310 ~~U.S.C. s. 819. This duty may not be delegated. Such a court-~~
 311 ~~martial may, upon a finding of guilt, adjudge no punishment or~~
 312 ~~adjudge any one or more of the following punishments:~~

313 (a) Confinement in an appropriate penal institution for a
 314 period not to exceed 100 days.

315 (b) Discharge from the Florida National Guard with a bad
 316 conduct discharge.

317 (c) A fine not to exceed \$400 per violation.

318 (d) Forfeiture of all pay and allowances, or a portion
 319 thereof, for a period not to exceed 1 year.

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320 (e) Reduction to the lowest or any intermediate pay grade
 321 of enlisted persons.

322 (f) A written reprimand filed in the official military
 323 personnel file of the person found guilty ~~Special courts-martial~~
 324 ~~with bad conduct discharge authority have the same powers of~~
 325 ~~punishment as do general courts-martial, except that fines~~
 326 ~~adjudged by special courts-martial may not exceed \$300 and~~
 327 ~~confinement may not exceed 100 days. Special courts-martial with~~
 328 ~~bad conduct discharge authority may adjudicate a bad conduct~~
 329 ~~discharge from the service, but may not adjudicate a dismissal~~
 330 ~~or dishonorable discharge from the service.~~

331 (7)(6) Special courts-martial not authorized to adjudicate
 332 a bad conduct discharge in the Florida National Guard may be
 333 convened by order of the commanding officers of the Florida
 334 National Guard who are in the accused's chain of command and
 335 hold the rank of lieutenant colonel, or any person who is
 336 authorized to convene a general court-martial or special court-
 337 martial that is authorized to adjudicate a bad conduct
 338 discharge. This duty may not be delegated. Such a court-martial
 339 may, upon a finding of guilt, adjudge no punishment or adjudge
 340 one or more of the following punishments:

341 (a) Confinement in an appropriate penal institution for a
 342 period not to exceed 100 days.

343 (b) A fine not to exceed \$300 per violation.

344 (c) Forfeiture of all pay and allowances, or a portion
 345 thereof, for a period not to exceed 60 days.

346 (d) Reduction to the lowest or any intermediate pay grade
 347 of enlisted persons.

348 (e) A written reprimand filed in the official military

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349 ~~personnel file of the person found guilty~~ When not in the active
 350 ~~service of the United States, the commanding officer of each~~
 351 ~~garrison, fort, post, camp, air base, auxiliary air base, any~~
 352 ~~other place where troops are on duty, division, brigade, group,~~
 353 ~~regiment, battalion, wing, or squadron may convene special~~
 354 ~~courts-martial for his or her command; but such special courts-~~
 355 ~~martial may be convened by superior commanders when advisable.~~
 356 ~~Special courts-martial have the same powers of punishment as~~
 357 ~~general courts-martial, except that fines adjudged by special~~
 358 ~~courts-martial may not exceed \$300 and confinement may not~~
 359 ~~exceed 100 days, and dismissal or discharge from the service may~~
 360 ~~not be adjudicated.~~

361 (8)(7) Summary courts-martial in the Florida National Guard
 362 may be convened by order of commanding officers of the Florida
 363 National Guard who are in the accused's chain of command and
 364 hold the rank of lieutenant colonel, or any person authorized to
 365 convene a general court-martial or special court-martial. This
 366 duty may not be delegated. Such courts-martial may, upon a
 367 finding of guilt, adjudge no punishment or adjudge any one or
 368 more of the following punishments:

369 (a) Confinement in an appropriate penal institution for a
 370 period not to exceed 25 days.

371 (b) A fine not to exceed \$200 per violation.

372 (c) Forfeiture of all pay and allowances, or a portion
 373 thereof, for a period not to exceed 60 days.

374 (d) Reduction to no more than two pay grades below the
 375 person's current pay grade.

376 (e) A reprimand ~~When not in the active service of the~~
 377 ~~United States, the commanding officer of each battalion, higher~~

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378 ~~headquarters, or similar type unit may convene summary courts-~~
 379 ~~martial for such place or command. Any person who may convene a~~
 380 ~~general court-martial or special court-martial may convene a~~
 381 ~~summary court-martial. Summary courts-martial may adjudge a fine~~
 382 ~~not in excess of \$200 per offense, confinement not in excess of~~
 383 ~~25 days, forfeiture of pay and allowances, and reduction by one~~
 384 ~~grade of members whom the convening authority had the authority~~
 385 ~~to promote to their present grade. Any two or more of such~~
 386 ~~punishments may be combined in the sentence authorized to be~~
 387 ~~imposed by such courts, except that confinement may not be~~
 388 ~~combined with a fine.~~

389 (9)(8) Commanding officers ~~When not in the active service~~
 390 ~~of the United States, commanders may impose nonjudicial~~
 391 ~~punishment in accordance with Florida National Guard~~
 392 ~~regulations. Enlisted personnel may receive nonjudicial~~
 393 ~~punishment from the unit commander or from any higher commander~~
 394 ~~in their chain of command. Company grade and warrant officers~~
 395 ~~may receive nonjudicial punishment from any commander who is a~~
 396 ~~field grade or general officer in their chain of command. Field~~
 397 ~~grade officers may receive nonjudicial punishment from any~~
 398 ~~commander who is a general officer in their chain of command.~~
 399 ~~Such commanders may, upon a finding of guilt, adjudge no~~
 400 ~~punishment or adjudge one or more of the following punishments~~
 401 ~~10 U.S.C. s. 815, except that punishment may not exceed:~~

402 (a) Oral or written reprimand.

403 (b) Extra duty for a period not to exceed 14 days of active
 404 duty, whether state active duty, annual training, or any similar
 405 duty, or 14 unit training assemblies.

406 (c) Restriction to the armory, training site, or any other

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407 specified limitations, with or without suspension from duty, for
 408 a period not to exceed 14 days of active duty, whether state
 409 active duty, annual training, or any similar duty, or 14 unit
 410 training assemblies.

411 (d) A fine not to exceed ~~Fines of~~ \$200 per violation.

412 (e) Reduction of up to two grades for enlisted personnel in
 413 the E-4 pay grade or below and reduction of one grade of
 414 enlisted personnel in the E-5 pay grade or above ~~by one grade of~~
 415 a member whom the commander had the authority to promote.

416 (f) Forfeiture of base pay for a period not to exceed 14
 417 days of active duty, whether state active duty, annual training,
 418 or any similar duty, or 14 unit training assemblies.

419 (g) Any combination of paragraphs (a)-(f) ~~(a) (e)~~, except
 420 that a combination of punishment imposed under paragraphs (b)
 421 and (c) may not exceed 14 days or 14 unit training assemblies.

422 (10) The commander who imposes nonjudicial punishment, or a
 423 successor in command over the person being punished, may suspend
 424 any part or amount of the punishment at any time, subject to the
 425 following conditions:

426 (a) Any unexecuted punishment may be suspended at any time.

427 (b) An executed punishment of any grade reduction, fine, or
 428 forfeiture of pay may only be suspended within a period of 8
 429 months after the date of execution.

430 (c) A punishment may not be suspended for a period
 431 exceeding 12 months from the date of suspension, and the
 432 expiration of the affected servicemember's current enlistment or
 433 term of service automatically terminates the period of
 434 suspension.

435 (11) Florida National Guard regulations may provide for

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436 plenary and summarized nonjudicial punishment.

437 (12) A commander is authorized to reduce the grade of
 438 enlisted personnel in ranks through courts-martial or
 439 nonjudicial punishment, subject to the following conditions:

440 (a) Unless jurisdiction is withheld by a higher level
 441 commander, commanders in command positions with the rank of
 442 captain are authorized to reduce grades of personnel serving in
 443 grades E-2 through E-4.

444 (b) Unless jurisdiction is withheld by a higher level
 445 commander, commanders in command positions with the rank of
 446 lieutenant colonel are authorized to reduce grades of personnel
 447 serving in grades E-2 through E-6.

448 (c) Unless jurisdiction is withheld by a higher level
 449 commander, commanders in command positions with the rank of
 450 colonel and above are authorized to reduce grades of personnel
 451 serving in grades E-2 through E-9.

452 (13) (a)-(9) A finding of guilt and the sentence of a summary
 453 court-martial may be appealed to the convening authority. If a
 454 sentence of imprisonment has been adjudged, the findings and
 455 sentence may be appealed to the Adjutant General.

456 (b) ~~(10)~~ (a) A finding of guilt and the sentence of a court-
 457 martial convened under this chapter, as approved by the
 458 convening authority and the Adjutant General if a sentence of
 459 imprisonment has been adjudged, may be appealed to the First
 460 District Court of Appeal.

461 (c) ~~(b)~~ Any dismissal of a general or special court-martial
 462 case, or any specific charge or offense, by the military judge
 463 which does not violate the ~~accused's~~ ~~defendant's~~ constitutional
 464 rights may be appealed by the Florida National Guard to the

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465 First District Court of Appeal.

466 (d) A finding of guilt and the sentence of a nonjudicial
 467 punishment may be appealed only to the next highest commander in
 468 the accused's chain of command. Any such appeal is final.

469 ~~(14)(11)~~ When the Florida National Guard is not in the
 470 active service of the United States, a sentence of dismissal
 471 from the service or dishonorable discharge from the service,
 472 imposed by court-martial, may not be executed until approved by
 473 the Governor.

474 Section 5. Section 250.351, Florida Statutes, is amended to
 475 read:

476 250.351 Court-martial; jurisdiction.—

477 (1) Members of the Florida National Guard are subject to
 478 this chapter and the Florida Uniform Code of Military Justice,
 479 including any provision authorizing punishment, at all times
 480 during their enlistment or appointment, regardless of whether in
 481 civilian or military status or serving in this state or outside
 482 the state. Jurisdiction is based exclusively on membership in
 483 the Florida National Guard and is not subject to any additional
 484 requirements.

485 (2) Subject matter jurisdiction is established if a nexus
 486 exists between an offense, either military or nonmilitary, and
 487 the state military force. Courts-martial under the Florida Code
 488 of Military Justice have primary jurisdiction of military
 489 offenses committed when the member is not in the active service
 490 of the United States. A proper civilian court has primary
 491 jurisdiction of a nonmilitary offense when an act or omission
 492 violates both the Florida Code of Military Justice and local
 493 criminal law, foreign or domestic. In such cases, a court-

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494 martial may be initiated only after the civilian authority has
 495 declined to prosecute or has dismissed the charge, provided
 496 jeopardy has not attached. Jurisdiction over attempted crimes,
 497 conspiracy crimes, solicitation, and accessory crimes must be
 498 determined by the underlying offense. Courts-martial under the
 499 Florida Code of Military Justice may be initiated for offenses
 500 committed by a Florida National Guard member while in the active
 501 service of the United States only after the commander with
 502 authority over the offense under the Uniform Code of Military
 503 Justice has declined to prosecute or dismissed the charge,
 504 provided jeopardy has not attached.

505 (3) Courts-martial ~~A court martial or court of inquiry~~ may
 506 be convened and held in a unit of the Florida National Guard
 507 serving outside the state, and the court has the same
 508 jurisdiction and powers as if the court-martial ~~or court of~~
 509 ~~inquiry~~ were held within the state. An offense committed outside
 510 the state may be tried and punished outside the state or within
 511 the state.

512 Section 6. Section 250.36, Florida Statutes, is amended to
 513 read:

514 250.36 Mandates and process.—

515 (1) Military courts may issue all process and mandates,
 516 including writs, warrants, and subpoenas, necessary to carry out
 517 the powers vested in the courts. Such mandates and process may
 518 be directed to the sheriff of any county and must be in the form
 519 prescribed by the Adjutant General in the rules issued by him or
 520 her under this chapter. All officers to whom such mandates and
 521 process are directed must execute the same and make returns of
 522 their acts thereunder according to the requirements of the form

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523 of process. Any sheriff or other officer who neglects or refuses
524 to perform the duty enjoined upon him or her by this chapter is
525 subject to the same liabilities, penalties, and punishments as
526 are prescribed by the law for neglect or refusal to perform any
527 other duty of his or her office.

528 (2) When not in the active service of the United States,
529 the Adjutant General, or his or her designee, or a military
530 judge ~~of the Florida National Guard~~ may issue a pretrial
531 confinement warrant for the purpose of securing the presence of
532 an accused at trial. The warrant must be directed to the sheriff
533 of the county, directing the sheriff to arrest the accused and
534 bring the accused before the court for trial if the accused has
535 disobeyed an order in writing to appear before the court which
536 was delivered to the accused in person or mailed to the
537 accused's last known address, along with a copy of the charges.
538 Pretrial confinement may not exceed 48 hours. However, the
539 Adjutant General or military judge may extend pretrial
540 confinement for not more than 15 days in order to facilitate the
541 presence of the accused at trial. For purposes of this
542 subsection, the term "military judge" does not include a summary
543 court-martial officer who is not qualified to act as a military
544 judge in general or special courts-martial.

545 (3) When not in the active service of the United States,
546 the Adjutant General, or his or her designee, or a military
547 judge ~~of the Florida National Guard~~ may issue subpoenas and
548 subpoenas duces tecum and enforce by attachment the attendance
549 of witnesses and the production of documents and other items of
550 evidentiary value.

551 (4) When not in the active service of the United States,

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552 the Adjutant General, or his or her designee, or a military
553 judge may issue and execute search authorizations when the
554 Florida National Guard or the Department of Military Affairs has
555 control over the location where the property or the person to be
556 searched is situated or found. If the location is not under
557 military control, the commander has control over such property
558 or persons subject to military law or law of war.

559 (5) When a sentence of confinement is imposed by any court-
560 martial of the Florida National Guard, the Adjutant General or
561 his or her designee whose approval makes effective the sentence
562 imposed by the court-martial shall issue a warrant directing the
563 sheriff of the appropriate county to take the convicted person
564 into custody and confine him or her in the jail of such county
565 for the period specified in the sentence of the court. Any
566 sheriff receiving such warrant must promptly execute the warrant
567 by taking the convicted person into custody and confining him or
568 her in jail. The sheriff or jailer in charge of any county jail
569 shall receive any person committed for confinement in such jail
570 under proper process from a court-martial, and provide for the
571 care, subsistence, and safekeeping of such prisoner just as the
572 sheriff or jailer would a prisoner properly committed for
573 custody under the sentence of any civil or criminal court.

574 ~~(6)-(5)~~ All sums of money collected through fines adjudged
575 by a general, special, or summary court-martial or through the
576 imposition of nonjudicial punishment of the Florida National
577 Guard shall be paid over at once by the officer collecting the
578 fine to the commanding officer of the organization to which the
579 member belongs and be deposited in accordance with s.
580 250.40(5)(c)1.

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581 Section 7. Section 250.375, Florida Statutes, is amended to
582 read:

583 250.375 Medical officer authorization.—Physicians who hold
584 an active license to practice medicine in any ~~other~~ state, any
585 territory of the United States, or the District of Columbia
586 Puerto Rico, while serving as medical officers with, or in
587 support of, in the Florida National Guard, pursuant to federal
588 or state orders, are expressly authorized to practice medicine
589 on military personnel or civilians during an emergency, declared
590 disaster, or during federal military training.

591 Section 8. Subsections (2) and (3) and paragraph (c) of
592 subsection (5) of section 250.40, Florida Statutes, are amended
593 to read:

594 250.40 Armory Board; creation; membership, terms, and
595 compensation; duties and responsibilities.—

596 (2) (a) Voting members of the Armory Board include the
597 Governor as Commander in Chief and chair of the board, the
598 Adjutant General as vice chair, the Assistant Adjutants General
599 of the Army, and major subordinate command commanders reporting
600 directly to the Adjutant General, in the active Florida National
601 Guard. ~~If necessary due to exigencies of military duty, any~~
602 ~~member of the board may delegate his or her deputy commander to~~
603 ~~attend the meetings as an alternate member with voting~~
604 ~~privileges.~~

605 (b) Any member of the Armory Board may request excusal from
606 a meeting from the Adjutant General or his or her designee. Any
607 excused member may delegate his or her deputy commander or
608 executive officer to attend such meeting as an alternate member
609 with voting privileges.

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610 (c) The Governor may appoint one representative from his or
611 her staff to attend meetings of the Armory Board. The appointee
612 shall serve as a nonvoting advisory member and liaison to the
613 board.

614 ~~(d) (e)~~ The State Quartermaster shall act as the recorder
615 and secretary of the Armory Board. In addition, the State
616 Quartermaster shall execute the policy, decisions, and official
617 actions of the board. When the board is in recess, the State
618 Quartermaster shall conduct the day-to-day business of the
619 board. The State Quartermaster and his or her staff are not
620 liable, civilly or criminally, for any lawful act done by them
621 in the performance of their duty, while acting in good faith,
622 and while acting in the scope of either state or federal duty.

623 (3) The term of each member of the Armory Board is the
624 period during which the member possesses the title and
625 qualifications for such membership as provided in this chapter
626 ~~under subsection (1).~~

627 (5) The Armory Board must:

628 (c) Receive from counties, municipalities, and other
629 sources donations of land, services, or money to aid in
630 providing, operating, improving, and maintaining armories and
631 other facilities used for military purposes. The national
632 military policy recognizes the Florida National Guard as an
633 important component of the United States Army and Air Force, and
634 a member of the total force, sharing in the defense of the
635 country. The Florida National Guard is available to assist the
636 state and local governments in the event of an emergency.
637 Therefore, it is reasonable and equitable that the expense of
638 maintaining the Florida National Guard be shared by the federal,

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639 state, and local governments. As the Federal Government is
 640 providing liberally for the equipment and training of the
 641 Florida National Guard and the state for its administration,
 642 management, and maintenance, local governments are encouraged to
 643 provide services at no cost to Florida National Guard armories.

644 1. Any contributions of money, any moneys derived from the
 645 rental of armories and other facilities, the armory-operations
 646 allowances provided in s. 250.20, and all money collected
 647 through fines imposed by a court-martial or nonjudicial
 648 proceeding of the Florida National Guard, as provided in s.
 649 250.36(6) ~~s. 250.36(5)~~, shall be received on behalf of the
 650 Armory Board by the post commander of such facility and must be
 651 deposited into a federal depository, approved by the Department
 652 of Military Affairs, in an account in a banking institution in
 653 the county in which such facility is located.

654 2. The funds received shall be disbursed for the purposes
 655 enumerated in this subsection at the discretion of the post
 656 commander.

657 3. Any real property donated shall be held as other
 658 property for use by the state, and counties and municipalities
 659 may make donations of lands by deed or long-term lease and
 660 contributions of moneys for the purposes set forth in this
 661 section, and may issue bonds or certificates of indebtedness to
 662 provide funds for such purposes. Boards of county commissioners
 663 may levy taxes, not to exceed 1 mill, to provide funds for the
 664 construction of armories or for the retirement of bonds or
 665 certificates of indebtedness issued to provide funds for the
 666 construction of armories. Counties and municipalities may
 667 construct armories upon state-owned land, which may be made

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668 available for such purpose by action of the Armory Board.
 669 Counties and municipalities may also grant to the Armory Board,
 670 by deed or long-term leases, property that is acquired or
 671 buildings that are constructed for military purposes. Each local
 672 government is encouraged to provide economic incentives to
 673 reduce the cost of locating Florida National Guard facilities in
 674 its jurisdiction. A local government may appropriate funds to
 675 pay expenses of the Florida National Guard unit in its
 676 jurisdiction. Such funds will be received, accounted for, and
 677 dispersed as other funds received by the unit.

678 Section 9. This act shall take effect July 1, 2021.

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From: [Brown, Natalie](#)
To: [Wright, Tom](#)
Cc: [Caldwell, Diana](#); [Graham, Lois](#)
Subject: Agenda Request SB 770
Date: Monday, February 8, 2021 2:20:46 PM
Attachments: [image001.png](#)
[Agenda Request MS SB 770.docx](#)

Good afternoon,

Please see the attached agenda request from Senator Burgess for SB 770: Military Affairs.

Thank you,

Natalie Brown

Legislative Assistant

Senator Danny Burgess

Florida Senate, District 20

Zephyrhills: 813-779-7059

Tallahassee: 850-487-5020



THE FLORIDA SENATE
APPEARANCE RECORD

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

9 MARCH 21
Meeting Date

SB 770
Bill Number (if applicable)

Topic S

Amendment Barcode (if applicable)

Name LTC TERRANCE GORMAN

Job Title STATE JUDGE ADVOCATE GENERAL

Address 84 MARINE STREET
Street

Phone (850) 414-9049

ST AUGUSTINE FL 32084
City State Zip

Email _____

Speaking: For Against Information

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

Representing FLORIDA DEPARTMENT OF MILITARY AFFAIRS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 782

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

SUBJECT: Educational Opportunities for Veterans

DATE: March 9, 2021 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|-----------------|------------|---------------|
| 1. | <u>Brown</u> | <u>Caldwell</u> | <u>MS</u> | <u>Fav/CS</u> |
| 2. | _____ | _____ | <u>AED</u> | _____ |
| 3. | _____ | _____ | <u>AP</u> | _____ |

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 782 grants disabled veterans who qualify as residents of the state an education benefit to fully provide for the cost of tuition and fees charged at a public postsecondary academic institution. An award provided in this bill is intended to supplement what is provided to a recipient through the federal Post 9/11 GI Bill to reach a 100 percent payment of tuition and fees.

To qualify, a veteran must have been:

- Determined to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs either identifying the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from the Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008 (also known as the Post-9/11 GI Bill), but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees.

To qualify under the Post-9/11 GI Bill, a veteran must have served after September 10, 2001, an aggregate minimum of 90 days active duty; been discharged or released for a service-connected disability after serving a minimum 30 consecutive days of active duty; or been designated a Purple Heart recipient. A person who serves less than 36 months is eligible for a reduced benefit, ranging from 40 to 90 percent of the full benefit.

II. Present Situation:

Post-9/11 Veterans Educational Assistance Act of 2008

Congress enacted the Post-9/11 Veterans' Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.¹ The Act provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children.²

At the time of its passage:

It was recognized that veterans and servicemembers would be eligible for U.S. Department of Education (ED) student financial aid benefits such as Pell Grants and Stafford Loans; U.S. Department of Defense (DOD) educational assistance; and various state, local, and other federal benefits in addition to the basic Post-9/11 GI Bill Benefits.³

To qualify for a benefit under the Act, a veteran or servicemember must:

- Serve an aggregate minimum of 90 days active duty after September 10, 2001, and continue to serve or be honorably discharged;
- Have been honorably discharged or released for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001; or
- Be a Purple Heart recipient for service after September 10, 2001.⁴

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service. Duration of service as it relates to the maximum benefit payable by percentage currently includes⁵:

| Number of Months Served | Percentage of Maximum Benefit Payable |
|--|---------------------------------------|
| At least 36 months of active duty | 100 |
| At least 30 continuous days active duty and discharged due to service-connected disability | 100 |
| Between 30 and up to 36 months active duty | 90 |
| Between 24 and up to 30 months active duty | 80 |

¹ Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended.

² In addition to tuition and fees, educational benefits include payment for housing, books, and supplies.

³ Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Aug. 1, 2018)*, pg. 1; available at <https://fas.org/sgp/crs/misc/R42755.pdf> (Last visited March 2, 2021). At that time, members of Congress hoped that a benefit exceeding amounts available under the other GI Bills would mitigate the higher unemployment rate amongst veterans in contrast to non-veterans of the same age group.

⁴ U.S. Dept. of Veterans Affairs, *Post-9/11 GI Bill (Chapter 33)*, available at <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited March 2, 2021).

⁵ Section 3313(c), 122 STAT. 2365; Dortch, *supra* note 3, at 12-13.

| | |
|--|----|
| Between 18 and up to 24 months active duty | 70 |
| Between 12 and up to 18 months active duty | 60 |
| Between 6 and up to 12 months active duty | 50 |
| Between 90 days and up to 6 months active duty | 40 |

For Fiscal Year 2018, The Congressional Research Service estimates that almost 800,000 individuals benefitted from the Act, at an expense exceeding \$12 billion.⁶

Forever GI Bill Stem Extension

Congress passed the Forever GI Bill Stem Extension Act (Act)⁷, effective from August 1, 2019, to encourage veterans to pursue fields that typically require more than the 36 months of benefits provided under the Post-9/11 GI Bill.⁸ The Act provides an extension of benefits for a veteran pursuing an educational degree in science, technology, engineering, or math. This extension will pay up to 9 months of additional benefits, or up to a maximum lump sum of \$30,000.⁹

Disabled Veterans in Florida

The population of veterans in Florida with a 100 percent disability rating is presently numbered at 47,434 veterans. Counties with the highest population of these veterans are Brevard (2,400), Broward (2,491), Duval (2,408), Hillsborough (3,776), Miami-Dade (2,412), Orange (2,673), and Pinellas (2,672).¹⁰

Residency

Section 1009.21, F.S., defines as a resident, for determination of in-state tuition, a person who has maintained his or her residence in the state for the preceding year, has purchased a home which is occupied as his or her residence, or has established domicile in the state.¹¹ To prove domicile, a person must file a sworn statement with the clerk of the circuit court attesting that either he or she resides in and maintains a place of abode in the county intending to maintain it as a permanent home, or that he or she has established a domicile in the state but maintains at least an additional abode out-of-state; that the place of abode in the state constitutes the predominant and principal home; and that he or she intends to continue it permanently.¹² The sworn statement establishing domicile must include a statement that the person is a bona fide resident of the state,

⁶ Dortch, *supra* note 3, at 1.

⁷ Pub. L. No. 115-48. The Act is also known as the Edith Nourse Rogers STEM Scholarship, or the Rogers Scholarship.

⁸ U.S. Department of Veterans Affairs, *Edith Nourse Rogers STEM Scholarship*, available at <https://www.va.gov/education/other-va-education-benefits/stem-scholarship/> (last visited March 2, 2021).

⁹ *Id.* Qualifying degree programs are agriculture science or natural resources science; biological or biomedical science; computer and information science and support services; engineering, engineering technologies, or an engineering-related field; health care or a health-care related field; mathematics or statistics; undergraduate medical residency; physical science; and science technologies or technicians. U.S. Department of Veterans Affairs, *supra* note 8, at 2.

¹⁰ Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis* (Jan. 29, 2021) (on file with the Senate Committee on Military and Veterans Affairs and Space).

¹¹ Section 1009.21(1)(d), F.S.

¹² Section 222.17(1) and (2), F.S.

along with the address of residence, prior residence, and the place or places where he or she maintains another abode.¹³

III. Effect of Proposed Changes:

CS/SB 782 bill provides an education benefit to certain disabled veterans who qualify as residents to increase what is provided from the Post-9/11 GI bill for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the United States Department of Veterans Affairs to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs which identifies the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees. The award amount is equal to the amount that is the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended.

The bill provides that a disabled veteran who receives this award must remain compliant with other statutory requirements applying to veterans and other students who receive educational benefits.¹⁴

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.

¹³ Section 222.17 (3), F.S.

¹⁴ Section 295.03, F.S., requires the withdrawal of benefits for a veteran who violates the ordinary and minimum requirements of the institution on discipline and scholarship. Section 295.04(4), F.S., requires a veteran to be in good standing with the institution to receive an educational benefit. Section 295.05, F.S., requires a veteran receiving benefits to be enrolled according to the customary rules and requirements of the institution. Section 1009.40, F.S. provides general requirements for a student (veteran or nonveteran) to be eligible for state financial aid and tuition assistance grants.

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:

The bill will reduce the costs of tuition, fees, and other education benefits for qualifying veterans.

C. Government Sector Impact:

The Board of Governors may need to amend a regulation. The fiscal impact of this bill on reduced tuition and fee collections is indeterminate due to the lack of specification on who is responsible for payment and the lack of sufficient data on disabled veterans who would qualify for this benefit.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 295.011 of the Florida Statutes.

¹⁵ The Board of Governors of the State University System, *2021 Legislative Bill Analysis, SB 782* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space and Domestic Security on March 9, 2021:

Requires a disabled veteran to qualify as a resident.

- B. **Amendments:**

None.



933982

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 03/10/2021 | . | |
| | . | |
| | . | |
| | . | |

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

Senate Amendment

Delete line 18
and insert:
means an individual who is a resident of this state pursuant to
s. 1009.21 and is:

By Senator Cruz

18-00292-21

2021782__

1 A bill to be entitled
 2 An act relating to educational opportunities for
 3 veterans; creating s. 295.011, F.S.; defining the term
 4 "disabled veteran"; providing that disabled veterans
 5 receiving certain federal educational assistance
 6 benefits are eligible to receive an award for the
 7 remaining cost of tuition and fees at state
 8 universities and Florida College System institutions;
 9 specifying applicability of other laws; providing an
 10 effective date.

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

13
 14 Section 1. Section 295.011, Florida Statutes, is created to
 15 read:

16 295.011 Disabled veterans; education.—

17 (1) As used in this section, the term "disabled veteran"
 18 means an individual who is a resident of this state and is:

19 (a) Determined by the United States Department of Veterans
 20 Affairs to have a service-connected 100-percent total and
 21 permanent disability rating for compensation;

22 (b) Determined to have a service-connected total and
 23 permanent disability rating of 100 percent and is in receipt of
 24 disability retirement pay from any branch of the United States
 25 Armed Services; or

26 (c) Issued a valid identification card by the Department of
 27 Veterans' Affairs in accordance with s. 295.17.

28 (2) Beginning with the 2021-2022 academic year, a disabled
 29 veteran who receives a tuition benefit to attend a state

Page 1 of 2

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

18-00292-21

2021782__

30 university or a Florida College System institution under the
 31 Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L.
 32 No. 110-252, but who does not qualify for the 100-percent
 33 eligibility tier under federal law, is eligible for an award for
 34 tuition and fees which is equal to the amount that is the
 35 difference between the portion of tuition and fees paid in
 36 accordance with federal law and the full amount of tuition and
 37 fees at the institution attended.

38 (3) Sections 295.03, 295.04, 295.05, and 1009.40 apply to
 39 any disabled veteran who receives an award under this section.

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

Page 2 of 2

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



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: February 5, 2021

I respectfully request that **Senate Bill #782**, relating to Educational Opportunities for Veterans, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Janet Cruz", written over a horizontal line.

Senator Janet Cruz
Florida Senate, District 18

CC: Diana Caldwell, Staff Director
Lois Graham, Administrative Assistant



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans Affairs

BILL INFORMATION

| | |
|------------------------|---|
| BILL NUMBER: | <u>SB 782</u> |
| BILL TITLE: | <u>Educational Opportunities for Veterans</u> |
| BILL SPONSOR: | <u>Cruz</u> |
| EFFECTIVE DATE: | <u>1 July 2021</u> |

COMMITTEES OF REFERENCE

| |
|--|
| 1) Military and Veterans Affairs, Space, and Domestic Security |
| 2) Appropriations Subcommittee on Education |
| 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: | Click or tap here to enter text. |
| SPONSOR: | Click or tap here to enter text. |
| YEAR: | Click or tap here to enter text. |
| LAST ACTION: | |

IDENTICAL BILLS

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

Is this bill part of an agency package?

Click or tap here to enter text.

BILL ANALYSIS INFORMATION

| | |
|-------------------------------|-------------------|
| DATE OF ANALYSIS: | 29 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

Providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive an award for the remaining cost of tuition and fees at state universities and Florida College System institutions

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

There are presently 47,434 100% rated disabled veterans in the State of Florida. The counties with the highest population of these veterans: Brevard- 2,400, Broward- 2,491, Duval-2,408, Hillsborough-3,776, Miami-Dade- 2,412, Orange- 2,673, and Pinellas 2,672.

"Source: Department of Veterans Affairs, Office of Enterprise Integration, United States Veterans Eligibility Trends & Statistics (USVETS) 2018

2. EFFECT OF THE BILL:

Beginning with the 2021-2022 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L. No. 110-252, but who does not qualify for the 100-percent eligibility tier under federal law, is eligible for an award for tuition and fees which is equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.

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 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: | |
| 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: | Click or tap here to enter text. |
| Expenditures: | Minimal fiscal impact to agency. Certifying official with FDVA will certify the veteran is 100% Disabled veteran. |
| Does the legislation contain a State Government appropriation? | No |
| If yes, was this appropriated last year? | Click or tap here to enter text. |

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

| | |
|-----------|------|
| Revenues: | None |
|-----------|------|

| | |
|---------------|----------------------------------|
| Expenditures: | None |
| Other: | Click or tap here to enter text. |

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. | |
|--|--|

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

| | |
|---------------------------|--|
| Issues/concerns/comments: | There are no substantive legal issues with this bill. There may be a minimal use of legal services due to the expansion of the tuition aid program and the interplay between state and federal laws. |
|---------------------------|--|

2021 LEGISLATIVE BILL ANALYSIS

| | |
|---|---|
| Bill Number: 782 | Bill Title: Educational Opportunities for Veterans |
| Sponsor(s): Cruz | Effective Date: July 1, 2021 |
| Companion Bill Number: HB 1347 | |
| Companion Bill Sponsor(s): Morales | |
| Policy Analyst(s): Dannie Benedi; Jeremy Hudak | Fiscal Analyst(s): Dannie Benedi |

EXECUTIVE SUMMARY

Section 1 creates Section 295.011, Florida Statutes, including:

Defines a “disabled veteran” as a resident of Florida and:

- (1) Determined by the United States Department of Veterans Affairs to have a service-connected 100-percent total and permanent disability rating for compensation
- (2) Determined to have a service-connected total and permanent disability rating of 100-percent and is in receipt of disability retirement pay from any branch of the United States Armed Services
- (3) Issued a valid identification card by the Department of Veteran’s Affairs in accordance with s. 295.17

Provides that a disabled veteran who does not qualify for the 100 percent eligibility tier under the Post-9/11 Veterans Educational Assistance Act of 2008 would be eligible for an award for tuition and fees which is equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.

CURRENT SITUATION AND EFFECT OF PROPOSED CHANGES

CURRENT SITUATION

The Florida Department of Veteran Affairs notes that based on fiscal 2017 demographic information from the Veteran Administration’s Veteran Population Projection Model 2016, there are 177,494 Post-9/11 veterans in the state of Florida.

<http://floridavets.org/our-veterans/profilefast-facts/>

There is no information on how many of these veterans have a service-related disability and are interested in attending a postsecondary institution in Florida.

Section 1009.21, Florida Statutes, provides requirements for the determination of resident status for tuition purposes. Students must meet the specified requirements to be considered a Florida resident, paying tuition and fees at the in-state rate. Specified requirements include, but are not limited to, providing specified documents showing legal ties to Florida and verifying physical presence in Florida for the twelve months immediately before the first date of enrollment as an in-state resident. Postsecondary institutions are responsible for determining a student's residency classification for tuition purposes.

Some veterans have a service-connected 100% disability that requires their length of service shortened. Those veterans would not currently receive a 100% maximum benefit.

The Florida Department of Education Office of Student Financial Assistance provides Scholarships for Children/Spouses of Deceased or Disabled Veterans. There is no State of Florida scholarship for the service-connected 100% disabled veteran.

There are various categories of students, including veterans, who qualify for postsecondary tuition and fee waivers. Details about those fee waivers are found in section 1009.26, Florida Statutes.

EFFECT OF PROPOSED CHANGES

Students with a service-related 100% disability who are not qualified for the 100% eligibility tier under federal law will receive an award for tuition and fees equal to the amount of the difference of the portion of tuition and fees paid to the veteran in accordance with federal law and the full amount of tuition and fees at the institution attended. The veteran with a service-connected 100% disability will not have to pay any tuition and fees.

The difference in tuition and fees are to be awarded to the qualified veteran; however, the bill is silent as to who is responsible for such payment. Such payment could possibly come in the form of a tuition and fee waiver or a fiscal award directly to the veteran.

Each award under this requirement will vary in amount due to the unique nature of each veteran's personal situation.

Institutions will need to establish policies and procedures for the administration of this award.

The Board of Governors and the State Board of Education may need to amend their respective regulation and rule if a tuition and fee waiver is established in section 1009.26, F.S.

Veterans potentially availing themselves of this new benefit will need to provide the necessary documentation of residency for tuition purposes pursuant to section 1009.21, Florida Statutes. This will delay the benefit to those veterans who have been in the state for less than twelve months or who do not have the necessary documentation.

ESTIMATED STUDENT IMPACT

More students who are veterans and residents of Florida, with a service-connected 100% disability, will have the cost of their tuition and fees covered.

FISCAL IMPACT

ESTIMATED FISCAL IMPACT ON LOCAL GOVERNMENTS AND UNIVERSITIES

The proposed legislation would make any 100-percent permanently-disabled veteran as determined and documented by the United States Department of Veteran's Affairs who is a Florida resident and who receives a certain federal post 9/11 tuition benefit for disabled veterans, but does not qualify for a full 100-percent disabled tier amount, eligible for an award equal to the difference between a full 100-percent eligibility tier tuition and fees award and the actual full amount of tuition and fees at the university they attend.

The difference in tuition and fees are to be awarded to the qualified veteran; however, the bill is silent as to who is responsible for such payment. Such payment could possibly come in the form of a tuition and fee waiver or a fiscal award directly to the veteran.

Institutions will need to establish policies and procedures for the administration of this award.

The fiscal impact of this legislation is indeterminable at this time due to the lack of sufficient disabled veterans' status data available to the Board office.

ESTIMATED IMPACT ON THE BOARD OF GOVERNORS OFFICE

The Board of Governors may need to amend regulation if a tuition and fee waiver is established in section 1009.26, F.S.

ESTIMATED DATA IMPACT ON THE BOARD OF GOVERNORS OFFICE AND/OR THE STATE UNIVERSITY SYSTEM

The Board office would create a new waiver, or financial aid, value in the State University Database System (SUDS) to track headcounts and funding associated with this law.

LEGAL ISSUES (if applicable)

ANALYST COMMENTS

The sponsor of the bill should consider adding a reference to Section 1009.21, Florida Statutes either in line 18 (following the use of the term “resident”) or in line 38-39. –JM

The changes proposed by the bill may require an update to the Articulation Coordinating Committee’s Statewide Residency Guidelines. – JM

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

March 9, 2021

Meeting Date

9 AM

THE FLORIDA SENATE

APPEARANCE RECORD

782

Bill Number (if applicable)

Topic EDUCATIONAL OPPORTUNITIES FOR VETERANS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Street

Phone 850/570-1967

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 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)

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

9AM
A2, CC

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

782

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bob Asztalos

Job Title Chairman

Address 400 S Monroe St

Phone 8502841166

Street

Tallahassee

FL

32399

Email chairman@helpflvets.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Veterans Foundation

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: SB 922

INTRODUCER: Senator Burgess

SUBJECT: Veterans' Preference in Employment

DATE: March 2, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|-----------------|-----------|------------------|
| 1. | <u>Brown</u> | <u>Caldwell</u> | <u>MS</u> | Favorable |
| 2. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SB 922 expands the benefit of a veterans preference in employment by authorizing a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment. The education waiver applies to:

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

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

The bill also increases points used for appointment and retention determinations. For any given position, points are added in assessing an applicant for employment as follows:

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

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

The bill takes effect July 1, 2021.

II. Present Situation:

Veterans Preference, Overall

Designated servicemembers and honorably-discharged veterans or their family members receive a preference and priority in hiring for state positions. To notify potential applicants of the benefit, agencies and political subdivisions of the state must include a statement in a job announcement providing that certain servicemembers and veterans and their spouses and family members have preference and priority and are encouraged to apply.¹

Applicability

Preference in appointment is available to:

- An honorably-discharged, disabled veteran who has served on active duty in a branch of the United States Armed Forces and has a compensable, service-connected disability, is receiving compensation, disability retirement benefits, or a military pension;
- The spouse of either a permanently, totally, service-connected disabled person who does not qualify for employment or of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- A wartime veteran, which is an honorably-discharged person who served in the active military, naval, or air service for at least 1 day during a wartime period, or an honorably-discharged veteran;
- The remarried widow or widower of a veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- A current member of a reserve component of the USAF or the Florida National Guard.²

Exemptions from Preference

Positions that are exempt from preference and priority are:

- Positions that are exempt from the state Career Service System; however, positions under the University Support Personnel System of the State University System and all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or their equivalent at these institutions are not exempt;
- Positions in political subdivisions of the state filled by officers elected by popular vote or persons appointed to fill vacancies in these offices and the personal secretary of each officer;
- Positions for members of boards and commissions;
- Positions filled on a temporary basis without benefits;

¹ Section 295.065, F.S.

² Section 295.07(1), F.S.

- Positions for heads of departments;
- Positions that require licensure as a physician, osteopathic physician, or chiropractic physician; and
- Positions that require Florida Bar membership.³

Process of Awarding Preference

Preference by Point System for Examination

If an examination is part of the hiring process, a point system applies if the applicant is eligible for a veterans' preference. For any given position, if the applicant has received a qualifying score on the examination, points are added in assessing an applicant for employment as follows:

- 15 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- 10 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a service-connected disability; or a mother, father, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- 5 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.⁴

Preference without Examination

First preference in appointment, employment, and retention is given to:

- An honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability;
- A spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or
- A spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power.⁵

Second preference ⁶ is given to:

- A veteran who has served at least 1 day during wartime;
- An unremarried widow or widower of a veteran who died of a service-connected disability;
- A parent, legal guardian, or unremarried widow or widower of a member of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- An honorably-discharged veteran; and

³ Section 295.07(4), F.S.

⁴ Section 295.08, F.S.

⁵ Section 295.085, F.S.

⁶ Second preference means that for any given position, employment is offered to a person who qualifies under second preference if a person does not meet the qualification for first preference and for the position. Email correspondence between Christian Cochran and Victoria Jarrett, Florida Dep't of Veterans' Affairs (Feb. 19, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

- A current member of the reserves of the U.S.A.F. or the Florida National Guard.⁷

Requirements on Agencies

Each state agency must, and each political subdivision may, develop and implement a written veterans' recruitment plan to determine annual goals for maximizing the use of veterans in the agency or political subdivision workforce.⁸

Additionally, the Department of Management Services must collect and annually report on its website certain statistical data received from state agencies. The data required to be kept and reported is on the number of people who:

- Have claimed a veterans' preference;
- Have been hired through veterans' preference; and
- Have been hired through a veterans' recruitment plan.⁹

III. Effect of Proposed Changes:

SB 922 expands the benefit of a veterans preference in employment by authorizing a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment. If an applicant is otherwise qualified, the education waiver applies if the applicant is:

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

Current law provides that certain positions are exempt from the requirement of veterans preference. As is the case for the other benefits, the education waiver is not available if the person is applying for a position designated as exempt. This bill, however, narrows the exemptions. In so doing, a personal secretary of a public officer, a head of a department, and a position that requires licensure as a physician, osteopathic physician, or a chiropractic physician will now not be exempt from preference and priority requirements. The import of removing the exemption for a licensed medical practitioner is unclear as presumably specific educational attainment is required for licensure.

The bill also increases the points used for appointment and retention determinations. For any given position, points are added in assessing an applicant for employment as follows:

- From 15 to 20 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- From 10 to 15 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a

⁷ *Id.*

⁸ Section 295.07(5)(a), F.S.

⁹ Section 295.07(5)(b), F.S.

service-connected disability; or a mother, father, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;

- From 5 to 10 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.

Current law requires a state agency to develop a veterans' recruitment plan. The bill additionally requires a political subdivision of the state to implement a veterans' recruitment plan.

The bill makes conforming changes to statutory cross-references.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

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:

More state job positions may be available to a person qualifying under a veterans' preference for employment, both due to the educational waiver and increase in points

awarded by examination provided in the bill. Additionally, fewer types of positions are made exempt.

C. **Government Sector Impact:**

A political subdivision of the state must now develop a written veterans' recruitment plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.065, 295.07, 295.08, 295.085, 295.09, and 1002.36.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

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

None.

B. **Amendments:**

None.

By Senator Burgess

20-00591C-21

2021922__

A bill to be entitled

An act relating to veterans' preference in employment; amending s. 295.065, F.S.; revising legislative intent to conform to changes made by the act; amending s. 295.07, F.S.; authorizing the state and its political subdivisions to waive certain postsecondary educational requirements for employment for servicemembers and veterans who meet specified criteria; revising the list of positions that are exempt from veterans' preference requirements; requiring, rather than authorizing, each political subdivision to develop and implement a veterans' recruitment plan for specified purposes; amending s. 295.08, F.S.; modifying point preferences given to veterans and their family members when a numerically based selection process is used for hiring; amending ss. 295.085, 295.09, and 1002.36, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

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

Section 1. Section 295.065, Florida Statutes, is amended to read:

295.065 Legislative intent.—It is the intent of the Legislature to provide preference, ~~and~~ priority, and waivers for certain educational requirements in the hiring practices of this state and its political subdivisions as set forth in this chapter. All written job announcements and audio and video

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advertisements used by employing agencies of the state and its political subdivisions must include a notice stating that certain servicemembers and veterans, and the spouses and family members of ~~such the~~ servicemembers and veterans, receive preference and priority, and that certain servicemembers may be eligible to receive waivers for postsecondary educational requirements, in employment by the state and its political subdivisions and are encouraged to apply for the positions being filled.

Section 2. Section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

(1) The state and its political subdivisions shall give preference in appointment and retention in positions of employment to:

(a) Those disabled veterans:

1. Who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or

2. Who are receiving compensation, disability retirement benefits, or pension ~~pursuant to by reason of~~ public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

(b) The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify

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59 for employment, and the spouse of a person missing in action,
60 captured in line of duty by a hostile force, or forcibly
61 detained or interned in line of duty by a foreign government or
62 power.

63 (c) A wartime veteran as defined in s. 1.01(14), who has
64 served at least 1 day during a wartime period. Active duty for
65 training may not be allowed for eligibility under this
66 paragraph.

67 (d) The unremarried widow or widower of a veteran who died
68 of a service-connected disability.

69 (e) The mother, father, legal guardian, or unremarried
70 widow or widower of a member of the United States Armed Forces
71 who died in the line of duty under combat-related conditions, as
72 verified by the United States Department of Defense.

73 (f) A veteran as defined in s. 1.01(14). Active duty for
74 training may not be allowed for eligibility under this
75 paragraph.

76 (g) A current member of any reserve component of the United
77 States Armed Forces or the Florida National Guard.

78 (2) The state and its political subdivisions may waive a
79 postsecondary educational requirement for a position of
80 employment, other than those positions made exempt under
81 subsection (5), for a current member of any reserve component of
82 the United States Armed Forces or the Florida National Guard or
83 a veteran who has been honorably discharged if the person is
84 otherwise qualified for the position.

85 (3) The Department of Veterans' Affairs shall adopt rules
86 to ensure that veterans are given special consideration in the
87 employing agency's selection and retention processes. The rules

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88 must include the award of point values as articulated in s.
89 295.08, if applicable, or, where point values are not relevant,
90 must include procedures to ensure that veterans are given
91 special consideration at each step of the employment selection
92 process, unless the sponsoring governmental entity is a party to
93 a collective bargaining agreement, in which case the collective
94 bargaining agreement must comply within 90 days following
95 ratification of a successor collective bargaining agreement or
96 extension of any existing collective bargaining agreement.

97 (4)(3) Preference in employment and retention, or
98 educational waivers, may be given only to eligible persons who
99 are described in subsection (1) or subsection (2).

100 (5)(4) The following positions are exempt from this
101 section:

102 (a) Those positions that are exempt from the state Career
103 Service System under s. 110.205(2); however, all positions under
104 the University Support Personnel System of the State University
105 System as well as all Career Service System positions under the
106 Florida College System and the School for the Deaf and the
107 Blind, or the equivalent of such positions at state
108 universities, Florida College System institutions, or the School
109 for the Deaf and the Blind, are not exempt ~~included~~.

110 (b) Positions in political subdivisions ~~of the state~~ which
111 are filled by officers elected by popular vote or persons
112 appointed to fill vacancies in such offices ~~and the personal~~
113 ~~secretary of each such officer~~, members of boards and
114 commissions, persons employed on a temporary basis without
115 benefits, ~~heads of departments, positions that require licensure~~
116 ~~as a physician, licensure as an osteopathic physician, licensure~~

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 117 as a ~~chiropractic physician~~, and positions that require that the
 118 employee be a member of The Florida Bar.

119 ~~(6) (a) (5) (a)~~ Each state agency and political subdivision
 120 ~~shall, and each political subdivision of the state may,~~ develop
 121 and implement a written veterans' recruitment plan that
 122 establishes annual goals for ensuring the full use of veterans
 123 in the agency's or political subdivision's workforce. Each
 124 veterans' recruitment plan must be designed to meet the
 125 established goals.

126 (b) The Department of Management Services shall collect
 127 statistical data from each state agency on the number of persons
 128 who claim veterans' preference, the number of persons who are
 129 hired through veterans' preference, and the number of persons
 130 who are hired as a result of the veterans' recruitment plan. The
 131 department shall annually update the statistical data required
 132 by this paragraph on its website and include such statistical
 133 data in its annual workforce report.

134 (c) For purposes of this subsection, the veterans'
 135 recruitment plan applies to the eligible persons described in
 136 subsections subsection (1) and (2).

137 Section 3. Section 295.08, Florida Statutes, is amended to
 138 read:

139 295.08 Positions for which a numerically based selection
 140 process is used.—For positions for which an examination is used
 141 to determine the qualifications for entrance into employment
 142 with the state or any of its political subdivisions in the
 143 ~~state~~, 20 ~~15~~ points must shall be added to the earned ratings of
 144 a person included under s. 295.07(1) (a) or (b), 15 ~~10~~ points
 145 must shall be added to the earned ratings of a person included

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 146 under s. 295.07(1) (c), (d), or (e), and 10 ~~5~~ points must shall
 147 be added to the earned rating of a person included under s.
 148 295.07(1) (f) or (g), if the person has obtained a qualifying
 149 score on the examination for the position. The names of persons
 150 eligible for preference must shall be entered on an appropriate
 151 register or list in accordance with their respective augmented
 152 ratings. However, except for classes of positions with Federal
 153 Government designations of professional or technician, the names
 154 of all persons who are qualified to receive a 20-point ~~15-point~~
 155 preference whose service-connected disabilities have been rated
 156 by the United States Department of Veterans Affairs or its
 157 predecessor or the United States Department of Defense to be 30
 158 percent or more must shall be placed at the top of the
 159 appropriate register or employment list, in accordance with
 160 their respective augmented ratings. The respective augmented
 161 rating is the examination score or evaluated score in addition
 162 to the applicable veteran's preference points.

163 Section 4. Section 295.085, Florida Statutes, is amended to
 164 read:

165 295.085 Positions for which a numerically based selection
 166 process is not used.—In all positions in which the appointment
 167 or employment of persons is not subject to a written
 168 examination, not including with the exception of positions that
 169 are exempt under s. 295.07(5) ~~s. 295.07(4)~~, first preference in
 170 appointment, employment, and retention must shall be given by
 171 the state and political subdivisions in the state to a person
 172 included under s. 295.07(1) (a) or (b), and second preference
 173 must shall be given to a person included under s. 295.07(1) (c),
 174 (d), (e), (f), or (g), who possess the minimum qualifications

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175 necessary to discharge the duties of the position involved.
 176 Section 5. Paragraph (a) of subsection (1) of section
 177 295.09, Florida Statutes, is amended to read:
 178 295.09 Reinstatement or reemployment; promotion
 179 preference.—
 180 (1) (a) When an employee of the state or any of its
 181 political subdivisions employed in a position subject or not
 182 subject to a career service system or other merit-type system,
 183 not including with the exception of those positions that which
 184 are exempt pursuant to s. 295.07(5) s. 295.07(4), has served in
 185 the Armed Forces of the United States and is discharged or
 186 separated therefrom with an honorable discharge, the state or
 187 its political subdivision shall reemploy or reinstate such
 188 person to the same position that he or she held before ~~prior to~~
 189 such service in the armed forces, or to an equivalent position,
 190 provided that such person returns to the position within 1 year
 191 after ~~of~~ his or her date of separation or, in cases of extended
 192 active duty, within 1 year after ~~of~~ the date of discharge or
 193 separation subsequent to the extension. Such person must shall
 194 also be awarded preference in promotion and ~~shall~~ be promoted
 195 ahead of all others who are as well qualified or less qualified
 196 for the position. When an examination for promotion is used
 197 ~~utilized~~, such person must shall be awarded preference points,
 198 as provided in s. 295.08, and ~~shall~~ be promoted ahead of all
 199 those who appear in an equal or lesser position on the
 200 promotional register, provided that he or she first successfully
 201 passes the examination for the promotional position.
 202 Section 6. Paragraph (f) of subsection (4) of section
 203 1002.36, Florida Statutes, is amended to read:

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204 1002.36 Florida School for the Deaf and the Blind.—
 205 (4) BOARD OF TRUSTEES.—
 206 (f) The board of trustees shall:
 207 1. Prepare and submit legislative budget requests for
 208 operations and fixed capital outlay, in accordance with chapter
 209 216 and ss. 1011.56 and 1013.60, to the Department of Education
 210 for review and approval. The department must analyze the amount
 211 requested for fixed capital outlay to determine if the request
 212 is consistent with the school's campus master plan, educational
 213 plant survey, and facilities master plan. Projections of
 214 facility space needs may exceed the norm space and occupant
 215 design criteria established in the State Requirements for
 216 Educational Facilities.
 217 2. Approve and administer an annual operating budget in
 218 accordance with ss. 1011.56 and 1011.57.
 219 3. Require all funds received other than gifts, donations,
 220 bequests, funds raised by or belonging to student clubs or
 221 student organizations, and funds held for specific students or
 222 in accounts for individual students to be deposited in the State
 223 Treasury and expended as authorized in the General
 224 Appropriations Act.
 225 4. Require all purchases to be in accordance with the
 226 provisions of chapter 287 except for purchases made with funds
 227 received as gifts, donations, or bequests; funds raised by or
 228 belonging to student clubs or student organizations; or funds
 229 held for specific students or in accounts for individual
 230 students.
 231 5. Administer and maintain personnel programs for all
 232 employees of the board of trustees and the Florida School for

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233 the Deaf and the Blind who shall be state employees, including
 234 the personnel classification and pay plan established in
 235 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
 236 academic and academic administrative personnel, the provisions
 237 of chapter 110, and the provisions of law that grant authority
 238 to the Department of Management Services over such programs for
 239 state employees.

240 6. Give preference in appointment and retention in
 241 positions of employment as provided within s. 295.07(1) and (2).

242 7. Ensure that the Florida School for the Deaf and the
 243 Blind complies with s. 1013.351 concerning the coordination of
 244 planning between the Florida School for the Deaf and the Blind
 245 and local governing bodies.

246 8. Ensure that the Florida School for the Deaf and the
 247 Blind complies with s. 112.061 concerning per diem and travel
 248 expenses of public officers, employees, and authorized persons
 249 with respect to all funds other than funds received as gifts,
 250 donations, or bequests; funds raised by or belonging to student
 251 clubs or student organizations; or funds held for specific
 252 students or in accounts for individual students.

253 9. Adopt a master plan which specifies the mission and
 254 objectives of the Florida School for the Deaf and the Blind. The
 255 plan shall include, but not be limited to, procedures for
 256 systematically measuring the school's progress toward meeting
 257 its objectives, analyzing changes in the student population, and
 258 modifying school programs and services to respond to such
 259 changes. The plan shall be for a period of 5 years and shall be
 260 reviewed for needed modifications every 2 years. The board of
 261 trustees shall submit the initial plan and subsequent

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262 modifications to the Speaker of the House of Representatives and
 263 the President of the Senate.

264 10. Designate a portion of the school as "The Verle Allyn
 265 Pope Complex for the Deaf," in tribute to the late Senator Verle
 266 Allyn Pope.

267 Section 7. This act shall take effect July 1, 2021.

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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: February 5, 2021

I respectfully request that **Senate Bill #922**, relating to Veterans' Preference in Employment, be placed on the:

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



Senator Danny Burgess
Florida Senate, District 20

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

March 9, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

922

Bill Number (if applicable)

Topic VETERANS' PREFERENCE IN EMPLOYMENT

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Street

Phone 850/570-1967

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 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.

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9am
AZ, cc

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

922

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bob Asztalos

Job Title Chairman

Address 400 S Monroe St

Phone 8502841166

Street

Tallahassee

FL

32399

Email chairman@helpflvets.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Veterans Foundation

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: SB 1262

INTRODUCER: Senator Harrell

SUBJECT: State Park Fee Discounts

DATE: March 8, 2021

REVISED: _____

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

I. Summary:

SB 1262 increases the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. State park fees generated are deposited into the State Park Trust Fund, to support the administration, improvement, and maintenance of state parks. Current law provides a qualifying servicemember or veteran with a 25 percent discount on an annual entrance pass. This bill increases the benefit to that of a lifetime family annual entrance pass at no charge.

A reduction in annual revenue generated for the State Park Trust Fund is estimated to be between \$500,000 to \$600,000.

The bill takes effect July 1, 2021.

II. Present Situation:

Recreation Benefits for Servicemembers and Veterans, Overall

The following discounts on state park fees apply with written documentation to:

- Active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F), National Guard, or reserve components, 25-percent discount on annual entrance passes.
- Honorably discharged veterans who have service-connected disabilities, lifetime family annual entrance passes at no charge.

- Surviving spouses and parents of deceased members of the U.S.A.F., National Guard, or reserve components who died in combat, lifetime family annual entrance passes at no charge.¹

A partial or full discount on county park fees applies to:

- Current members of the U.S.A.F., their reserve components, or the National Guard.
- Honorably discharged veterans of the U.S.A.F., a reserve component, or the National Guard, and those veterans with a service-connected disability.
- Surviving spouses and parents of a deceased member of the U.S.A.F, a reserve component, or the National Guard, who died in combat.²

A member of the U.S.A.F. stationed in the state, or a residing family member is considered a resident for purposes of applying for a hunting, fishing, or other recreational license.³ A resident pays reduced fees on licenses, such as paying \$15.50 for an annual freshwater or saltwater fishing license, rather than \$45.50; \$15.50 for an annual hunting license to take game, rather than \$150; and \$46.50 for the option of an annual combination of a hunting, freshwater fishing, and saltwater fishing license (no option is available for a combination license for a nonresident).⁴

Additionally, a licensure exemption is provided for an outdoor hunting, freshwater fishing, or saltwater fishing recreational event designed to foster rehabilitation or enjoyment among disabled veterans or active duty or reserve duty servicemembers, a participating servicemember or veteran, immediate family, and an assistant to the member. This benefit applies to a disabled veteran or an active duty or reserve duty servicemember of the U.S.A.F., the Coast Guard, military reserves, or the Florida National Guard.⁵

An Annual Military Gold Sportsmen's License is available to a resident active or retired member of the U.S.A.F., U.S.A.F. Reserve, the National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserve. An annual military gold sportsman's license costs \$18.50, rather than the \$98.50 charged for the annual gold sportsman's license. The annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license.⁶ Authorized activities are the taking of freshwater fish, saltwater fish, and game, subject to state and federal law, rules, and regulations. Other eligible activities include those authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, and a spiny lobster permit.⁷

Fees for Entrance to State Parks

The Division of Recreation and Parks, Department of Environmental Protection, may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state

¹ Section 258.0145, F.S.

² Section 125.029, F.S.

³ Section 379.101(30)(b)1., F.S.

⁴ Section 379.354(4) and (5), F.S.

⁵ Section 379.353(2)(q), F.S.

⁶ Section 379.354(4)(i) and (j), F.S.

⁷ Section 379.354(4)(i), F.S.

parks.⁸ All fees, rentals, and charges collected are deposited in the State Treasury for the benefit of the State Park Trust Fund (trust fund). Monies collected in the trust fund are to be used for the administration, improvement, and maintenance of state parks and for purchasing and developing land for state park purposes.⁹

III. Effect of Proposed Changes:

SB 1262 increases the current benefit on state park fees provided to active duty members and honorably discharged veterans of the United States Armed Forces (U.S.A.F.), National Guard, or reserve components of the U.S.A.F. or National Guard. Current law provides a qualifying servicemember or veteran with a 25-percent discount on an annual entrance pass. This bill increases the benefit to that of a lifetime family annual entrance pass at no charge.

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.

⁸ Section 258.014(1), F.S.

⁹ *Id.*

B. Private Sector Impact:

Active duty servicemembers and veterans and their families will pay no annual fee, rather than a 25-percent discounted fee, for entrance to state parks.

C. Government Sector Impact:

In Fiscal Year 2019-2020, Florida State Parks received over \$500,000 in revenue associated with entrance passes for active duty servicemembers and honorably discharged veterans who receive the current 25 percent discount. For the past five years, the average annual revenue collected was \$560,347. Based on this amount, the Department of Environmental Protection (department) estimates an annual reduction of revenue into the State Parks Trust Fund to be between \$500,000 to \$600,000.¹⁰ The department also anticipates an increased workload due to park staff having to issue additional annual passes to this user group.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.0145 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.

¹⁰ Department of Environmental Protection, *2021 Legislative Session, HB 399 (SB 1262)* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹¹ *Id.*

By Senator Harrell

25-01160-21

20211262__

A bill to be entitled

An act relating to state park fee discounts; amending s. 258.0145, F.S.; requiring the Division of Recreation and Parks to provide entrance passes for specified military members and veterans at no charge; providing an effective date.

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

Section 1. Subsection (1) of section 258.0145, Florida Statutes, is amended to read:

258.0145 Military, law enforcement, and firefighter state park fee discounts.—The Division of Recreation and Parks shall provide the following discounts on park fees to persons who present written documentation satisfactory to the division which evidences their eligibility for the discounts:

(1) Active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components thereof shall receive lifetime family ~~a 25-percent discount on~~ annual entrance passes at no charge.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR GAYLE HARRELL

25th District

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

March 2, 2021

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

Chair Wright,

I respectfully request that **SB 1262 – State Park Fees for Veterans** 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 blue ink 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

2021 Legislative Session



Bill #/Title: HB 399 – State Park Fee Discounts

Sponsor: Casello

Companion Bill (if applicable): SB 1262 (identical)

Program(s): Division of Recreation and Parks

OVERVIEW

HB 399 amends Section 258.0145, F.S., to provide active duty members and honorably discharged veterans of the United States Armed Forces, National Guard, or reserve components Lifetime Family Annual Entrance Passes to Florida State Parks at no charge. The effective date of the bill is July 1, 2021.

PRESENT SITUATION

Section 258.014, F.S. authorizes DEP's Division of Recreation and Parks to charge reasonable fees for the use or operation of state park facilities. Revenue collected is deposited in the State Park Trust Fund, which is used for the administration, improvement and maintenance of state parks.

Although Florida State Parks do collect entrance and campsite fees, the following discounted or free annual entrance passes, as well as discounts on base campsite fees, are authorized in statute for specific groups:

Section 258.0145, F.S. –

- Active Duty and Honorably Discharged Veterans – 25% discount on Annual Entrance Passes
- Honorably Discharged Veterans with Service-Connected Disabilities – Free Lifetime Family Annual Entrance Passes
- Surviving Spouses and Parents of Deceased Veterans – Free Lifetime Family Annual Entrance Passes
- Surviving Spouses and Parents of Florida Law Enforcement Officers and Florida Firefighters – Free Lifetime Family Annual Entrance Passes

Section 258.0142, F.S. –

- Licensed Family Foster Homes – Free Family Annual Entrance Passes; 50% discount on base campsite fees
- Families Who Adopt Special Needs Children – One-time Free Family Annual Entrance Pass

Section 258.016, F.S. –

- Florida residents aged 65 and older and Florida residents with 100% disability – 50% discount on base campsite fees

All discounted or free annual entrance passes, which allow park entrance in place of the daily entrance fee and do not provide discounts or waive any other park fees, are available at Florida State Park Ranger Stations and Museums. Those who are eligible for discounted or free annual entrance passes are required to present satisfactory written documentation demonstrating their eligibility.

IMPACTS

Instead of the current 25% discount, HB 399 would provide active duty members and honorably discharged veterans of the United States Armed Forces, National Guard or reserve components with Lifetime Family Annual Entrance Passes at no charge.

Fiscal impact – In Fiscal Year 2019-20, Florida State Parks received over \$500,000 in revenue associated with the passes for Active Duty and Honorably Discharged Veterans that receive the 25% discount under existing statute. Revenue received from these passes has averaged over \$560,347 annually over the past five years. By offering these currently discounted passes for free, the Division of Recreation and Parks anticipates the annual reduction of revenue into the State Park Trust Fund to be between \$500,000 - \$600,000 each year. The Division relies heavily on revenue generated from state parks. However, this revenue does not fully support park operations, maintenance and improvements so every dollar is needed to continue to support our parks and address the backlog of projects that are addressed each year as funding allows.

The Division of Recreation and Parks can also expect to issue additional annual passes to this user group over what has been issued in the past due to passes being offered for free versus at a 25% discount. If additional park passes are issued, this may result in additional workload for park staff.

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

March 9, 2021

Meeting Date

THE FLORIDA SENATE

APPEARANCE RECORD

1262

Bill Number (if applicable)

Topic STATE PARK FEE DISCOUNTS

Amendment Barcode (if applicable)

Name Dan Hendrickson

Job Title president, Tallahassee Veterans Legal Collaborative

Address 319 E Park Ave

Street

Phone 850/570-1967

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 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)

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

9 am
A2, CC

THE FLORIDA SENATE

APPEARANCE RECORD

3/9/2021

Meeting Date

1262

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Bob Asztalos

Job Title Chairman

Address 400 S Monroe St

Phone 8502841166

Street

Tallahassee

FL

32399

Email chairman@helpfivets.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Veterans Foundation

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: SB 1512

INTRODUCER: Senator Wright

SUBJECT: Space Florida Board of Directors

DATE: March 8, 2021

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Stallard | Caldwell | MS | Favorable |
| 2. | | | GO | |
| 3. | | | RC | |

I. Summary:

SB 1512 increases the number of members of the board of directors of Space Florida from 13 to 15. The bill does this by requiring the President of the Senate and Speaker of the House of Representatives each to appoint an additional non-voting, ex officio member.

Under current law, the Space Florida board of directors is comprised of the Governor or his or her appointee and 12 members from the board of directors of Enterprise Florida. Six of these twelve people must be appointed by the Governor, and the President of the Senate and the Speaker of the House each must appoint three members. The appointing officials must select members from various industries and areas of expertise as specified in statute. Moreover, they must consider candidates who reflect this state's racial, ethnic, and gender diversity.

By law, the board of directors of Space Florida is required to perform various functions, including establishing rules and orders to conduct the business of Space Florida, and appointing a president of Space Florida. Additionally, the statutes grant Space Florida with a host of powers, including entering into contracts necessary to carry out Space Florida's mission and providing financial services to support aerospace-related business development in this state.

Members of the board of directors serve 4-year terms.

The bill takes effect July 1, 2021.

II. Present Situation:

Space Florida – Creation and Purpose

Space Florida was created as an independent special district¹, 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. 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.² 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.³

Space Florida’s Board of Directors

Composition and Appointment

Space Florida is governed by a 13-member independent board of directors. The board must be comprised of the 12 private-sector members of the Enterprise Florida Board, plus the Governor or appointee. If the Governor serves, he or she does so ex officio; if an appointee serves, he or she serves as a voting member of the board.⁴

The 12 private-sector members of the Enterprise Florida board, and thus of the Space Florida Board, are appointed to 4-year terms by the Governor (six), the President of the Senate (three), and the Speaker of the House of Representatives (three).⁵ In appointing board members, the Governor and the presiding officers of the Legislature must “ensure that the composition of the board of directors reflects the diversity of Florida’s business community and is representative of” the following economic development goals:

- Increase private investment in Florida.
- Advance international and domestic trade opportunities.
- Market the state both as a probusiness location for new investment and as an unparalleled tourist destination.
- Revitalize Florida’s space and aerospace industries, and promote emerging complementary industries.

¹ Chapter 189, F.S.

² 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.

³ Section 331.305, F.S.

⁴ According to the Space Florida website, the following are members of the board: Governor Ron DeSantis; Lieutenant Governor Jeanette Nunez, Chairman of the Board; Jay Beyrouiti, President, Monicarla, Ltd.; Jesse Biter, President/CEO, Biter Enterprises, LLC.; Dean Cannon, President and CEO, Gray Robinson; Gregory Celestan, Chairman and Chief Executive Officer, Celestar Corporation; Daniel Davis, President and CEO, Jax Chamber; Sonya Deen, Vice President of Government Relations, JM Family Enterprises, Inc.; Barbara Essenwine, Owner, Above & Beyond Group; Mori Hosseini, Chairman & CEO, ICI Homes; Kenneth Kahn, President, LRP Media Group; Belinda Kaiser, Vice Chancellor of Community Relations & Student Advancement, Keiser University; Katherine San Pedro, Partner, Ballard Partners, Inc. Available at <https://www.spaceflorida.gov/about/board-of-directors/> (Last visited on March 4, 2021).

⁵ Section 331.3081., F.S.

- Promote opportunities for minority-owned businesses.
- Assist and market professional and amateur sport teams and sporting events in Florida.
- Assist, promote, and enhance economic opportunities in this state’s rural and urban communities.⁶

Additionally, the board must include at least one director for each of the following areas of expertise:

- International business
- Tourism marketing
- The space or aerospace industry
- Managing or financing a minority-owned business
- Manufacturing
- Finance and accounting
- Sports marketing⁷

Finally, when appointing members from the private sector to serve on the Enterprise Florida Board (and therefore on the Space Florida board), the Governor, Senate President, and Speaker of the House must consider “appointees who reflect Florida’s racial, ethnic, and gender diversity. Efforts shall be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.”⁸

Duties of the Board of Directors

The board of directors duties include:

- Adopting rules and orders to conduct the business of Space Florida, the maintenance of records, and the form of all documents and records of Space Florida.
- Maintaining an executive office and Space Florida offices in close proximity to the John F. Kennedy Space Center.
- Appointing a president of Space Florida, and determining his or her title, functions, duties, powers, and salary.
- Preparing an annual report of operations as a supplement to its annual report, which is also required by law.⁹

Powers of the Board of Directors

The board of directors is authorized to exercise the following powers:

- Enter, and authorize any agent or employee of Space Florida to enter, upon any lands, waters, and premises, upon giving reasonable notice and due process to the land owner, for the purposes of making surveys, soundings, drillings, appraisals, and examinations necessary to perform its duties and functions.
- Execute all contracts and other documents, adopt all proceedings, and perform all acts determined by the board to be necessary or desirable to carry out the purposes given it in statute.

⁶ Section 288.901(5)(b), F.S. The goals are provided in s. 288.901(2), F.S.

⁷ Section 288.901(5)(b), F.S.

⁸ Section 288.901(5)(c), F.S.

⁹ Section 331.310(2), F.S.

- Establish and create such departments, committees, or other entities as from time to time the board deems necessary or desirable in the performance of any acts or other things necessary to the exercise of the powers provided in statute.
- Provide financial services to support aerospace-related business development within the state. Financial services may include, but are not limited to:
 - Insuring, coinsuring, or originating for sale direct aerospace-related loans.
 - Direct lending.
 - Guaranteeing and collateralizing loans.
 - Creating accounts.
 - Capitalizing, underwriting, leasing, selling, or securing funding for aerospace-related infrastructure.
 - Investing in permissible securities.
 - Organizing financial institutions and international bank syndicates.
 - Acquiring, accepting, or administering grants, contracts, and fees from other organizations to perform activities that are consistent with the purposes of Space Florida's business plan. If the board deems a financial services entity is necessary, the board may create, form, or contract with one or more such entities.
- Examine, and authorize any officer or agent of Space Florida to examine, the county tax rolls with respect to the assessed valuation of the real and personal property within any spaceport territory.
- Engage in the planning and implementation of space-related economic and educational development within the state.
- Provide the strategic direction for the aerospace-related research priorities of the state and its aerospace-related businesses.
- Execute intergovernmental agreements and development agreements consistent with prevailing statutory provisions, including, but not limited to, special benefits or tax increment financing initiatives.
- Establish reserve funds for future board operations.
- Adopt rules pursuant to chapter 120 to carry out the purposes of ch. 331, which governs Space Florida.¹⁰

III. Effect of Proposed Changes:

The bill increases the number of members of the board of directors of Space Florida from 13 to 15. The bill does this by requiring the President of the Senate and Speaker of the House of Representatives each to appoint an additional non-voting, ex officio member.

Under current law, the Space Florida board of directors is comprised of the Governor or his or her appointee and 12 members from the board of directors of Enterprise Florida. Six of these twelve people must be appointed by the Governor, and the President of the Senate and the Speaker of the House each must appoint three members. The appointing officials must select members from various industries and areas of expertise as specified in statute. Moreover, they must consider candidates who reflect this state's racial, ethnic, and gender diversity.

¹⁰ Section 331.310(1), F.S.

By law, the board of directors of Space Florida is required to perform various functions, including establishing rules and orders to conduct the business of Space Florida and appointing a president of Space Florida. Additionally, the statutes grant Space Florida with a host of powers, including entering into contracts necessary to carry out Space Florida's mission and providing financial services to support aerospace-related business development in this state.

Members of the board of directors serve 4-year terms.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 331.081 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Wright

14-01642-21

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A bill to be entitled

An act relating to Space Florida board of directors;
amending s. 331.3081, F.S.; revising the membership of
the board of directors of Space Florida to include two
ex officio, nonvoting members appointed by the
Legislature; providing an effective date.

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

Section 1. Section 331.3081, Florida Statutes, is amended
to read:

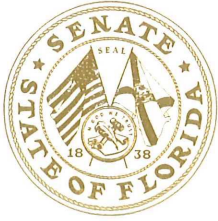
331.3081 Board of directors.—Space Florida shall be
governed by a 15-member ~~13-member~~ independent board of directors
that consists of:

(1) The 12 members appointed to the board of directors of
Enterprise Florida, Inc., by the Governor, the President of the
Senate, and the Speaker of the House of Representatives pursuant
to s. 288.901(5)(a)7.

(2) One ex officio, nonvoting member appointed by the
President of the Senate from the members of the Senate, and one
ex officio, nonvoting member appointed by the Speaker of the
House of Representatives from the members of the House of
Representatives. and

(3) The Governor, who shall serve ex officio, or who may
appoint a designee to serve, as the chair and a voting member of
the board.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Judiciary, *Vice Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development
Military and Veterans Affairs, Space,
and Domestic Security
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR AUDREY GIBSON

6th District

March 8, 2021

Senator Tom Wright
531 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Wright:

I respectfully ask to be excused from this week's Military and Veterans Affairs, Space, and Domestic Security committee meeting, due to family matters.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Audrey Gibson".

Audrey Gibson
State Senator
Senate District 6

101 East Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553
410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Finance and Tax, *Chair*
Appropriations Subcommittee on Health and
Human Services, *Vice Chair*
Agriculture
Appropriations Subcommittee on Criminal
and Civil Justice
Military and Veterans Affairs, Space,
and Domestic Security
Transportation

SENATOR ANA MARIA RODRIGUEZ

39th District

March 9, 2021

Chair Tom Wright
320 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Wright,

Please excuse my absence from the March 9th meeting of the Military and Veterans Affairs, Space, and Domestic Security Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "AmR", written in a cursive style.

Senator Ana Maria Rodriguez

CC Diana Caldwell
Lois Graham

REPLY TO:

- 8401 Northwest 53rd Terrace, Doral, FL 33166
- 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 37 **Case No.:** **Type:**
Caption: Senate Military and Veterans Affairs, Space, and Domestic Security **Judge:**

Started: **3/9/2021 9:01:08 AM**
Ends: **3/9/2021 9:50:27 AM** **Length:** **00:49:20**

9:01:07 AM Meeting called to order by Chair Wright
9:01:15 AM Roll call by CAA Lois Graham
9:01:37 AM Senator Gibson is excused
9:01:49 AM Pledge of Allegiance led by Chair Wright
9:02:13 AM Chair with opening comments
9:03:06 AM Tab 1 SB 518 Drones by Senator Diaz
9:03:39 AM Senator Diaz explains the bill
9:04:11 AM Senator Cruz with question
9:04:26 AM Senator Diaz responds
9:05:55 AM Chair Wright with comments
9:06:20 AM Senator Harrell with question
9:06:31 AM Senator Diaz responds
9:08:14 AM Appearance Form
9:08:16 AM Barney Bishop, Florida Smart Justice Alliance speaking for the bill
9:09:12 AM Senator Torres in debate
9:10:02 AM Senator Diaz closes on bill
9:10:14 AM Roll call
9:10:48 AM SB 518 reported favorably
9:11:02 AM Tab 2 SB 770 Military Affairs by Senator Burgess
9:11:20 AM Senator Burgess explains the bill
9:13:17 AM Senator Cruz with question
9:13:27 AM Senator Burgess responds
9:14:10 AM Appearance Form
9:14:16 AM LTC Terrance Gorman, State Judge Adjutant General speaks for information
9:14:41 AM Senator Cruz with question
9:14:50 AM LTC Gorman responds
9:15:06 AM Senator Burgess with comments
9:15:15 AM LTC Gorman responds
9:16:18 AM Senator Burgess closes on bill
9:16:27 AM Roll call
9:16:34 AM SB 770 is reported favorably
9:16:47 AM Tab 3 SB 782 Educational Opportunities for Veterans by Senator Cruz
9:17:00 AM Senator Cruz explains the bill
9:17:07 AM Chair Wright with comments
9:19:01 AM Amendment Barcode 933982
9:19:13 AM Senator Cruz explains the amendment
9:19:29 AM Senator Torres on the amendment
9:20:08 AM Senator Cruz waives close on the amendment
9:20:17 AM Amendment is adopted
9:20:29 AM Senator Torres with question
9:20:39 AM Senator Cruz responds
9:21:13 AM Senator Harrell with question

9:21:39 AM Senator Cruz responds
9:21:41 AM Senator Harrell with follow-up
9:21:54 AM Senator Cruz responds
9:22:27 AM Senator Harrell with question
9:22:33 AM Senator Cruz responds
9:23:06 AM Senator Harrell with question
9:23:17 AM Senator Cruz responds
9:23:31 AM Appearance Forms
9:23:34 AM Dan Hendrickson, President, Tallahassee Veterans Legal Collaborative waives in support
9:23:51 AM Senator Harrell in debate
9:24:27 AM Senator Burgess in debate
9:24:46 AM Senator Cruz closes on bill
9:25:19 AM Roll call
9:26:20 AM CS/SB 782 is reported favorably
9:26:36 AM Tab 4 SB 992 Veterans' Preference in Employment by Senator Burgess
9:26:42 AM Senator Burgess explains the bill
9:30:25 AM Senator Cruz with question
9:30:31 AM Senator Harrell with question
9:31:05 AM Senator Burgess responds
9:33:18 AM Senator Harrell with follow-up
9:33:24 AM Senator Burgess responds
9:34:27 AM Senator Harrell with follow-up
9:34:34 AM Senator Burgess responds
9:35:16 AM Senator Harrell with comments
9:35:26 AM Senator Torres with question
9:35:34 AM Senator Burgess responds
9:36:58 AM Chair Wright with comments
9:37:05 AM Appearance Forms
9:37:12 AM Dan Hendrickson waives in support
9:37:31 AM Senator Harrell in debate
9:38:20 AM Senator Burgess closes on bill
9:39:41 AM Roll call
9:40:42 AM SB 922 is reported favorably
9:41:04 AM Tab 5 SB 1262 State Park Fee Discounts by Senator Harrell
9:41:11 AM Senator Harrell explains the bill
9:43:08 AM Senator Torres with question
9:43:14 AM Senator Harrell responds
9:43:39 AM Senator Torres with follow-up
9:43:45 AM Senator Harrell responds
9:44:05 AM Appearance Forms
9:44:14 AM Dan Hendrickson waives in support
9:44:24 AM Bob Asztalos, Chairman, Florida Veterans Foundation, waives in support
9:44:40 AM Senator Burgess in debate
9:45:20 AM Senator Cruz in debate
9:45:50 AM Chair Wright with comments
9:46:10 AM Senator Harrell closes on the bill
9:46:16 AM Roll call
9:46:35 AM SB 1262 is reported favorably
9:46:50 AM Chair turned over to Vice-Chair Harrell
9:47:05 AM Tab 6 SB 1512 Space Florida Board of Directors by Senator Wright
9:47:14 AM Chair Wright explains the bill

9:48:00 AM No appearance forms
9:48:19 AM Chair Wright waives close
9:48:28 AM Roll call
9:48:30 AM SB 1512 is reported favorably
9:48:49 AM Chair returned to Chair Wright
9:48:53 AM Additional Appearance Forms read into the record
9:49:16 AM SB 518 Kenneth Morrow, Jr., Republican Liberty Caucus of Florida waives against
9:49:24 AM SB 782 Bob Asztalos, waives in support
9:49:39 AM SB 922 Bob Asztalos waives in support
9:49:48 AM Senator Cruz moves to adjourn
9:50:13 AM Meeting Adjourned