

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

MEETING DATE: Thursday, January 18, 2018
TIME: 1:30—3:30 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Gibson, Chair; Senator Broxson, Vice Chair; Senators Bean, Gainer, Simmons, Stargel, Taddeo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 470 Stargel (Similar H 333)	Temporary Employment or Appointment of Officers; Defining the term "special operations forces"; requiring an employing agency or criminal justice selection center to verify and document that certain applicants have served in the special operations forces and completed certain training if they seek an exemption from a basic recruit training program approved by the Criminal Justice Standards and Training Commission, etc. MS 01/18/2018 Fav/CS ACJ AP	Fav/CS Yeas 7 Nays 0
2	SB 1170 Perry (Compare H 1359)	Transportation; Directing the Department of Highway Safety and Motor Vehicles to develop an Ethical Ecotourism license plate; creating a special license plate for recipients of the Bronze Star Medal, etc. MS 01/18/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 470

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

SUBJECT: Minimum Basic Recruit Training Exemptions

DATE: January 19, 2018 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 470 creates an exemption from a Criminal Justice Standards and Training Commission (Commission)-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill defines the term “special operations forces” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes servicemembers of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;

- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Commission.

The bill takes effect on July 1, 2018.

II. Present Situation:

Criminal Justice Standards and Training Commission

The Criminal Justice Standards and Training Commission (Commission) was created within the Florida Department of Law Enforcement to actively provide statewide leadership in the establishment, implementation, and evaluation of criminal justice standards and training for all law enforcement, correctional, and correctional probation officers.¹ The powers, duties, and functions of the Commission include, but are not limited to:

- Adopting rules for the administration of ss. 943.085-943.255, F.S.,²
- Certifying, and revoking the certification of, officers, instructors, and criminal justice training schools;
- Establishing uniform minimum employment and training standards for the various criminal justice disciplines;
- Establishing minimum curricular requirements for criminal justice training schools;
- Establishing a central repository of records for the proper administration of the Commission's duties, powers, and functions; and³
- Implementing, administering, maintaining, and revising a job-related officer certification examination for each criminal justice discipline.⁴

Criminal Justice Training and Selection Centers

There are 40 training centers, or training schools, certified by the Commission. Training centers are tasked with the delivery of all basic recruit, advanced, and specialized training programs, which are intended to provide job-related training to law enforcement, correctional, and correctional probation officers.⁵ Attached to the training centers are 15 selection centers responsible for the evaluation of pre-service candidates and in-service officers for all units of the local criminal justice system in a region, thereby establishing a pool of qualified candidates for criminal justice agencies.⁶ Each selection center is under the direction and control of a postsecondary public school or a criminal justice agency within the selection center's region.⁷

¹ Sections 943.11(1)(a) and 943.085(3), F.S.

² Sections 943.085-943.255, F.S., govern the administration, development, implementation, and enforcement of training and employment standards in various criminal justice disciplines.

³ The Commission utilizes a system called the Automated Training Management System to secure and store records required by statute and in Commission rules.

⁴ See s. 943.12, F.S.

⁵ Rule 11B-35.001(1), F.A.C.

⁶ Sections 943.256(2) and (3), F.S.

⁷ Section 943.256(1), F.S.

Minimum Qualifications for Employment or Appointment

Section 943.13, F.S., specifies the minimum qualifications for any person seeking employment or appointment as a law enforcement, correctional, or correctional probation officer. An applicant must:

- Be at least 19 years of age, a citizen of the U.S., and a high school graduate or its equivalent;⁸
- Not have been convicted of any felony or of a misdemeanor involving perjury or a false statement, or have received a dishonorable discharge from any of the U.S. Armed Forces;
- Have documentation of his or her processed fingerprints on file with the employing agency or, if a private correctional officer, have documentation of his or her processed fingerprints on file with the Department of Corrections or the Commission;
- Pass a physical examination by a licensed physician, physician assistant, or certified advanced registered nurse practitioner, based on specifications established by the Commission;⁹
- Have a good moral character as determined by a background investigation under procedures established by the Commission;¹⁰
- Execute and submit to the employing agency or, if a private correctional officer, submit to the appropriate governmental entity an affidavit-of-applicant form, adopted by the Commission, attesting to his or her compliance with the aforementioned qualifications;
- Complete a Commission-approved basic recruit training program for the applicable criminal justice discipline, unless exempt under s. 943.13(9), F.S.;
- Achieve an acceptable score on the officer certification examination for the applicable criminal justice discipline; and
- Comply with the continuing training or education requirements of s. 943.135, F.S.

Basic Recruit Training Program

The Commission is required, by rule, to design, implement, maintain, evaluate, and revise entry requirements and job-related curricula and performance standards for a basic recruit training program (B RTP).¹¹ The Commission must assure that entrance into a B RTP for law enforcement, correctional, and correctional probation officers be limited to those who have passed a Commission-approved basic abilities test.¹² After an applicant passes the discipline specific basic abilities test, he or she may enter the appropriate B RTP.¹³ The applicant must

⁸ Rule 11B-27.0021(1), F.A.C., defines a high school graduate as an individual who has completed a secondary education program through a public school, private school, an equivalency diploma program, or home education program through an educational provider recognized by a public educational system within the United States or its territories, or received a foreign high school diploma.

⁹ See 11B-27.002(1)(d), F.A.C.

¹⁰ See 11B-27.002(1)(g), F.A.C.

¹¹ Section 943.17, F.S.

¹² See s. 493.17(1)(g), F.S., and Rule 11B-35.0011, F.A.C. The basic abilities test assesses written comprehension and expression, information ordering, spatial orientation, memorization, problem sensitivity, and inductive and deductive reasoning. See also Florida Department of Law Enforcement, *Basic Abilities Test (BAT)*, <http://www.fdle.state.fl.us/CJSTC/Officer-Requirements/Basic-Abilities-Test.aspx> (last visited Jan. 16, 2018).

¹³ Rule 11B-35.002(5), F.A.C. There is a separate B RTP for law enforcement, correctional, and correctional probation officers. Each of the three programs consist of multiple courses totaling 770, 420, and 482 hours of course work, respectively.

successfully complete their program, pass the corresponding state officer certification exam, and gain employment within four years of beginning the BRTP.¹⁴

Basic Recruit Training Program Exemption

Current law provides an exemption from a BRTP for those who:

- Completed a comparable BRTP for the applicable criminal justice discipline in another state or for the federal government; and
- Served as a full-time sworn officer in another state or for the federal government for at least one year provided there is no more than an eight-year break in employment, as measured from the separation date of the most recent qualifying employment to the time a complete application is submitted for an exemption from the BRTP.¹⁵

Additionally, existing law provides that a certified Florida officer who has separated from employment and who is not reemployed within four years after the date of separation must meet the requirements of s. 943.13, F.S., but does not have to complete a BRTP.¹⁶ Officers who are not reemployed within eight years after separation must meet the requirements of s. 943.13, F.S., and complete a BRTP.¹⁷

If an applicant is seeking any of these exemptions, the applicant's employing agency or a selection center must verify that the applicant meets the above-described exemption criteria and submit documentation about the applicant's criminal justice experience to the Commission.¹⁸ An applicant who ultimately receives an exemption from a BRTP must still demonstrate proficiency in high-liability areas¹⁹ and pass the state officer certification exam within one year after receiving an exemption. If these requirements are not met within one year, the person must complete a BRTP.²⁰

Equivalency of Training

Employing agencies and selection centers utilize the equivalency of training process to verify that an applicant meets the exemption criteria and is eligible for an exemption from a BRTP. As part of the process, an employing agency or selection center will review the applicant's previous

¹⁴ Rule 11B-35.002(2)(a), F.A.C.

¹⁵ Section 943.13(9), F.S.

¹⁶ Section 943.1395(3), F.S.

¹⁷ Section 943.131(2), F.S.

¹⁸ Id.

¹⁹ Rule 11B-35.0021, F.A.C., establishes four high-liability training courses: Criminal Justice Firearms, Law Enforcement Vehicle Operations, Criminal Justice Defensive Tactics, and First Aid for Criminal Justice Officers.

²⁰ Supra note 17.

law enforcement,²¹ correctional,²² or correctional probation²³ officer training to determine what, if any, courses are comparable to those of a BRTP.²⁴ According to the Florida Department of Law Enforcement, the curriculum review may determine that additional training is necessary for the applicant and a partial exemption is granted in lieu of the full exemption from a BRTP.²⁵

U.S. Special Operations Forces

Special operations forces are those active and reserve component forces of the U.S. Armed Forces specifically organized, trained, and equipped to conduct and support special operations.²⁶ The Department of Defense's Special Operations Command (SOCOM), headquartered at MacDill Air Force Base in Tampa, trains, equips, and oversees the special operations forces of each military service. SOCOM's components include:

- The U.S. Army Special Operations Command;
- The Naval Special Warfare Command;
- The Air Force Special Operations Command; and
- The Marine Corps Forces Special Operations Command.

Special operations forces are intended to be versatile forces, capable of conducting a wide range of missions, including those that other military units would not be suited to undertake.²⁷ Among their multiple roles, the most important are considered to be direct action, special reconnaissance, foreign internal defense, and security force assistance. The last two activities involve helping friendly governments improve their military capabilities, which requires the largest commitments of special operations forces personnel and time.²⁸

Special operations require unique modes of employment, tactical techniques, equipment, and training. These operations are often conducted in hostile, denied, or politically sensitive environments and are characterized by one or more of the following elements: time sensitive, clandestine, low visibility, conducted with and/or through indigenous forces, requiring regional expertise, and/or a high degree of risk.

²¹ Comparable law enforcement officer training must cover the following topics: Legal, interactions in a diverse community, interviewing and reporting writing, patrol (including fundamentals, calls for service, and critical incidents), criminal investigations (including crime scene and courtroom), traffic stops, traffic crash investigations, and the high-liability subject areas. Rule 11B-.5.009(3)(a), F.A.C.

²² Comparable correctional officer training must cover the following topics: Legal, communications, officer safety, facility and equipment, intake and release, supervising in a correctional facility, supervising special populations, responding to incidents and emergencies, firearms, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(b), F.A.C.

²³ Comparable correctional probation officer training must cover the following topics: Legal foundations for correctional probation, communications, intake and orientation, caseload management, supervision of offenders, field supervision, defensive tactics, and first aid or equivalent. Rule 11B-35.009(3)(c), F.A.C.

²⁴ 11B-35.009(3)(a), (b), and (c), F.A.C.

²⁵ Senate Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Florida Department of Law Enforcement staff (October 31, 2017).

²⁶ Congressional Research Service, *U.S. Special Operations Forces (SOF): Background and Issues for Congress*, 1 (Jan. 6, 2017), <http://fas.org/sgp/crs/natsec/RS21048.pdf> (last visited on Jan. 16, 2018).

²⁷ Congressional Budget Office, *The U.S. Military's Force Structure: A Primer*, 112 (July 2016), <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/51535-fsprimer.pdf> (last visited Jan. 16, 2018).

²⁸ *Id.*

In fiscal year 2014, there were approximately 62,800 special operations military personnel, which equated to just under 3 percent of the military services' total force levels for that year.²⁹ The Department of Defense plans to field an average of about 60,000 special-operations military personnel over the 2017-2021 period.³⁰ The Army has the largest concentration of special operations forces members of all the military services. In 2014, 54 percent of all special operations forces members were in the Army, 25 percent were in the Air Force, 16 percent were in the Navy, and 5 percent were in the Marine Corps.³¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 943.10, F.S., to define the term “special operations forces” to mean those active and reserve component forces of the military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. The term includes servicemembers of the:

- U.S. Army Special Forces;
- U.S. Army 75th Ranger Regiment;
- U.S. Navy SEALs and Special Warfare Combatant-Craft Crewmen;
- U.S. Air Force Combat Control, Pararescue, and Tactical Air Control Party specialists; and
- U.S. Marine Corps Critical Skills Operators.

The term also includes any other component of the United States Special Operations Command approved by the Criminal Justice Standards and Training Commission (Commission).

Sections 2 and 3 of the bill amend ss. 913.13 and 943.131, F.S., respectively, to create an exemption from a Commission-approved law enforcement, correctional, or correctional probation officer basic recruit training program (BRTP) for an applicant who successfully completed a special operations forces training course and served in the special operations forces for a minimum of 5 years. An applicant's last date of service in the special operations forces must be within 4 years of applying for an exemption from a BRTP under the bill.

The Commission must adopt rules that establish the criteria and procedures to determine if a special operations forces applicant is exempt from completing a BRTP.

An applicant who qualifies for an exemption from a BRTP under the bill must complete training required by the Commission, and demonstrate proficiency in high-liability areas and pass the state officer certification exam within one year after receiving an exemption. If the demonstration of proficiencies and certification exam requirements are not completed within one year, the applicant must seek an additional exemption. Prior to employment or appointment the applicant must also meet the minimum qualifications described in s. 943.13(1)-(8), F.S.

The bill requires a criminal justice training center, in addition to an employing agency or criminal justice selection center, to verify and document to the Commission that an applicant

²⁹ U.S. Government Accountability Office, *Report No. 15-571: Special Operations Forces: Opportunities Exist to Improve Transparency of Funding and Assess Potential to Lesson Some Deployments*, 8-9 (July 2015), <https://www.gao.gov/assets/680/671462.pdf> (last visited Jan. 17, 2018).

³⁰ *Supra* note 27.

³¹ *Supra* note 29, at 11.

requesting an exemption from a law enforcement, correctional, or correctional probation officer BRTP satisfies the requirements of the applicable exemption.

Sections 4-8 of the bill reenact ss. 943.1395, 943.17296, 626.989, and 943.133, F.S., for the purpose of incorporating amendments to s. 943.13 and s. 943.131, F.S.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An applicant who is required by the Criminal Justice Standards and Training Commission to complete additional training is responsible for the cost of tuition. However, in some cases, an employing agency will pay the cost of a trainee's tuition, as authorized in s. 943.16, F.S.

C. Government Sector Impact:

The Automated Training Management System, which serves as the central repository of records for Criminal Justice Standards and Training Commission, must include programming to allow for the entry of individuals who qualify for the special operations forces exemption created in the bill. The Florida Department of Law Enforcement states that this change is minimal and there is no fiscal impact.³²

VI. Technical Deficiencies:

None.

³² Florida Department of Law Enforcement, *Senate Bill 470 Agency Analysis* (Oct. 31, 2017) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends sections 943.10, 943.13, and 943.131 of the Florida Statutes.

The bill reenacts sections 626.989, 943.133, 943.1395, and 943.17296, F.S., for the purpose of incorporating the amendments to ss. 943.13 and 943.131, F.S.

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:

The committee substitute:

- Changes the title of the bill to more accurately reflect the subject of the bill;
- Changes the definition of “special operations forces” to exclude the military occupational skill numbers;
- Requires an applicant for a basic recruit training program exemption to have served a minimum of 5 years in the special operations forces;
- Requires that an applicant’s last date of service in the special operations forces must be within 4 years of applying for an exemption from a basic recruit training program;
- Requires an applicant who is exempt from a basic recruit training program to complete training, if required by the Criminal Justice Standards and Training Commission;
- Requires an employing agency, training center, or selection center to verify and document if an applicant qualifies for an exemption from a basic recruit training program; and
- Amends s. 943.13(9), F.S., to reference the special operations forces exemption created by the bill among the existing basic recruit training program exemptions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (22) is added to section 943.10,
Florida Statutes, to read:

943.10 Definitions; ss. 943.085-943.255.—The following
words and phrases as used in ss. 943.085-943.255 are defined as
follows:

(22) "Special operations forces" means those active and



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11 reserve component forces of the military services designated by
12 the Secretary of Defense and specifically organized, trained,
13 and equipped to conduct and support special operations. The term
14 includes servicemembers of the United States Army Special
15 Forces; the United States Army 75th Ranger Regiment; the United
16 States Navy SEALs and Special Warfare Combatant-Craft Crewmen;
17 the United States Air Force Combat Control, Pararescue, and
18 Tactical Air Control Party specialists; the United States Marine
19 Corps Critical Skills Operators; and any other component of the
20 United States Special Operations Command approved by the
21 commission.

22 Section 2. Subsection (9) of section 943.13, Florida
23 Statutes, is amended to read:

24 943.13 Officers' minimum qualifications for employment or
25 appointment.—On or after October 1, 1984, any person employed or
26 appointed as a full-time, part-time, or auxiliary law
27 enforcement officer or correctional officer; on or after October
28 1, 1986, any person employed as a full-time, part-time, or
29 auxiliary correctional probation officer; and on or after
30 October 1, 1986, any person employed as a full-time, part-time,
31 or auxiliary correctional officer by a private entity under
32 contract to the Department of Corrections, to a county
33 commission, or to the Department of Management Services shall:

34 (9) Complete a commission-approved basic recruit training
35 program for the applicable criminal justice discipline, unless
36 exempt under this subsection. An applicant who has:

37 (a)1. Completed a comparable basic recruit training program
38 for the applicable criminal justice discipline in another state
39 or for the Federal Government; and



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40 ~~2.(b)~~ Served as a full-time sworn officer in another state
41 or for the Federal Government for at least 1 year provided there
42 is no more than an 8-year break in employment, as measured from
43 the separation date of the most recent qualifying employment to
44 the time a complete application is submitted for an exemption
45 under this section; or

46 (b) Successfully completed a special operations forces
47 training course, served in the special operations forces for a
48 minimum of 5 years, and no more than 4 years have passed from
49 the last date of service in the special operations forces to the
50 date that a complete application is submitted for an exemption
51 under this subsection,

52
53 is exempt in accordance with s. 943.131(2) from completing ~~a the~~
54 commission-approved basic recruit training program.

55 Section 3. Subsection (2) of section 943.131, Florida
56 Statutes, is amended, and paragraph (a) of subsection (1) of
57 that section is republished, to read:

58 943.131 Temporary employment or appointment; minimum basic
59 recruit training ~~exemptions exemption.~~

60 (1)(a) An employing agency may temporarily employ or
61 appoint a person who complies with the qualifications for
62 employment in s. 943.13(1)-(8), but has not fulfilled the
63 requirements of s. 943.13(9) and (10), if a critical need exists
64 to employ or appoint the person and such person is or will be
65 enrolled in the next approved basic recruit training program
66 available in the geographic area or that no assigned state
67 training program for state officers is available within a
68 reasonable time. The employing agency must maintain



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69 documentation which demonstrates that a critical need exists to
70 employ a person pursuant to this section. Prior to the
71 employment or appointment of any person other than a
72 correctional probation officer under this subsection, the person
73 shall comply with the firearms provisions established pursuant
74 to s. 943.17(1)(a). Any person temporarily employed or appointed
75 as an officer under this subsection must attend the first
76 training program offered in the geographic area, or the first
77 assigned state training program for a state officer, subsequent
78 to his or her employment or appointment. A person temporarily
79 employed or appointed as an officer under this subsection must
80 begin basic recruit training within 180 consecutive days after
81 employment. Such person must fulfill the requirements of s.
82 943.13(9) within 18 months after beginning basic recruit
83 training and must fulfill the certification examination
84 requirements of s. 943.13(10) within 180 consecutive days after
85 completing basic recruit training. A person hired after he or
86 she has commenced basic recruit training or after completion of
87 basic recruit training must fulfill the certification
88 examination requirements of s. 943.13(10) within 180 consecutive
89 days after completion of basic recruit training or the
90 commencement of employment, whichever occurs later.

91 (2) If an applicant seeks an exemption from completing a
92 commission-approved basic recruit training program, the
93 employing agency, training center, or criminal justice selection
94 center must do one of the following, as appropriate:

95 (a) Verify and document that the applicant has successfully
96 completed a comparable basic recruit training program for the
97 discipline in which the applicant is seeking certification in



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98 another state or for the Federal Government or a previous
99 Florida basic recruit training program. Further, the employing
100 agency, training center, or criminal justice selection center
101 must verify and document that the applicant has served as a
102 full-time sworn officer in another state or for the Federal
103 Government for at least 1 year provided there is no more than an
104 8-year break in employment or was a previously certified Florida
105 officer provided there is no more than an 8-year break in
106 employment, as measured from the separation date of the most
107 recent qualifying employment to the time a complete application
108 is submitted for an exemption under this section. ~~When~~ The
109 employing agency, training center, or criminal justice selection
110 center shall submit ~~obtains written~~ documentation of
111 satisfaction of this requirement to the commission ~~regarding the~~
112 ~~applicant's criminal justice experience, the documentation must~~
113 ~~be submitted to the commission. The commission shall adopt rules~~
114 ~~that establish criteria and procedures to determine if the~~
115 ~~applicant is exempt from completing the commission-approved~~
116 ~~basic recruit training program and, upon making a determination,~~
117 ~~shall notify the employing agency or criminal justice selection~~
118 ~~center. An applicant who is exempt from completing the~~
119 ~~commission-approved basic recruit training program must~~
120 ~~demonstrate proficiency in the high-liability areas, as defined~~
121 ~~by commission rule, and must complete the requirements of s.~~
122 ~~943.13(10) within 1 year after receiving an exemption. If the~~
123 ~~proficiencies and requirements of s. 943.13(10) are not met~~
124 ~~within the 1 year, the applicant must seek an additional~~
125 ~~exemption pursuant to the requirements of this subsection.~~
126 ~~Except as provided in subsection (1), before the employing~~



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127 ~~agency may employ or appoint the applicant as an officer, the~~
128 ~~applicant must meet the minimum qualifications described in s.~~
129 ~~943.13(1)-(8), and must fulfill the requirements of s.~~
130 ~~943.13(10).~~

131 (b) Verify and document that the applicant has successfully
132 completed a special operations forces training course and served
133 in the special operations forces for a minimum of 5 years.
134 Further, the employing agency, training center, or criminal
135 justice selection center must verify and document that no more
136 than 4 years have passed from the last date of service in the
137 special operations forces to the time a complete application is
138 submitted for an exemption under this section. The employing
139 agency, training center, or criminal justice selection center
140 shall submit documentation of satisfaction of these requirements
141 to the commission.

142
143 The commission shall adopt rules that establish criteria and
144 procedures to determine if the applicant is exempt from
145 completing the commission-approved basic recruit training
146 program and, upon making a determination, shall notify the
147 employing agency, training center, or criminal justice selection
148 center, as appropriate. An applicant who is exempt under this
149 subsection must complete training required by the commission and
150 demonstrate proficiency in the high-liability areas as defined
151 by commission rule and complete the requirements of s.
152 943.13(10) within 1 year after receiving an exemption.
153 If the proficiencies and requirements of s. 943.13(10) are not
154 met within the 1-year period, the applicant must seek an
155 additional exemption pursuant to the requirements of this



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156 subsection. Except as provided in subsection (1), before the
157 employing agency may employ or appoint the applicant as an
158 officer, the applicant must meet the minimum qualifications
159 described in s. 943.13(1)-(8), and must fulfill the requirements
160 of s. 943.13(10).

161 Section 4. For the purpose of incorporating the amendment
162 made by this act to section 943.13, Florida Statutes, in a
163 reference thereto, subsection (3) of section 943.1395, Florida
164 Statutes, is reenacted to read:

165 943.1395 Certification for employment or appointment;
166 concurrent certification; reemployment or reappointment;
167 inactive status; revocation; suspension; investigation.—

168 (3) Any certified officer who has separated from employment
169 or appointment and who is not reemployed or reappointed by an
170 employing agency within 4 years after the date of separation
171 must meet the minimum qualifications described in s. 943.13,
172 except for the requirement found in s. 943.13(9). Further, such
173 officer must complete any training required by the commission by
174 rule in compliance with s. 943.131(2). Any such officer who
175 fails to comply with the requirements provided in s. 943.131(2)
176 must meet the minimum qualifications described in s. 943.13, to
177 include the requirement of s. 943.13(9).

178 Section 5. For the purpose of incorporating the amendment
179 made by this act to section 943.13, Florida Statutes, in a
180 reference thereto, section 943.17296, Florida Statutes, is
181 reenacted to read:

182 943.17296 Training in identifying and investigating elder
183 abuse and neglect.—Each certified law enforcement officer must
184 successfully complete training on identifying and investigating



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185 elder abuse and neglect as a part of the basic recruit training
186 of the officer required in s. 943.13(9) or continuing education
187 under s. 943.135(1) before June 30, 2011. The training shall be
188 developed in consultation with the Department of Elderly Affairs
189 and the Department of Children and Families and must incorporate
190 instruction on the identification of and appropriate responses
191 for persons suffering from dementia and on identifying and
192 investigating elder abuse and neglect. If an officer fails to
193 complete the required training, his or her certification is
194 inactive until the employing agency notifies the commission that
195 the officer has completed the training.

196 Section 6. For the purpose of incorporating the amendment
197 made by this act to section 943.131, Florida Statutes, in a
198 reference thereto, subsection (7) of section 626.989, Florida
199 Statutes, is reenacted to read:

200 626.989 Investigation by department or Division of
201 Investigative and Forensic Services; compliance; immunity;
202 confidential information; reports to division; division
203 investigator's power of arrest.-

204 (7) Division investigators shall have the power to make
205 arrests for criminal violations established as a result of
206 investigations. Such investigators shall also be considered
207 state law enforcement officers for all purposes and shall have
208 the power to execute arrest warrants and search warrants; to
209 serve subpoenas issued for the examination, investigation, and
210 trial of all offenses; and to arrest upon probable cause without
211 warrant any person found in the act of violating any of the
212 provisions of applicable laws. Investigators empowered to make
213 arrests under this section shall be empowered to bear arms in



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214 the performance of their duties. In such a situation, the
215 investigator must be certified in compliance with the provisions
216 of s. 943.1395 or must meet the temporary employment or
217 appointment exemption requirements of s. 943.131 until
218 certified.

219 Section 7. For the purpose of incorporating the amendment
220 made by this act to section 943.131, Florida Statutes, in
221 references thereto, subsections (1) and (6) of section 943.133,
222 Florida Statutes, are reenacted to read:

223 943.133 Responsibilities of employing agency, commission,
224 and program with respect to compliance with employment
225 qualifications and the conduct of background investigations;
226 injunctive relief.—

227 (1) The employing agency is fully responsible for the
228 collection, verification, and maintenance of documentation
229 establishing that an applicant complies with the requirements of
230 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
231 943.13 and 943.131.

232 (6) If an employing agency employs or appoints an officer
233 in violation of this section or of s. 943.13, s. 943.131, or s.
234 943.135, or any rules adopted pursuant thereto, the Department
235 of Legal Affairs, at the request of the chair of the commission,
236 shall apply to the circuit court in the county of the employing
237 agency for injunctive relief prohibiting the employment or
238 appointment of the person contrary to this section.

239 Section 8. For the purpose of incorporating the amendment
240 made by this act to section 943.131, Florida Statutes, in
241 references thereto, subsections (3), (9), and (10) of section
242 943.1395, Florida Statutes, are reenacted to read:



243 943.1395 Certification for employment or appointment;
244 concurrent certification; reemployment or reappointment;
245 inactive status; revocation; suspension; investigation.—

246 (3) Any certified officer who has separated from employment
247 or appointment and who is not reemployed or reappointed by an
248 employing agency within 4 years after the date of separation
249 must meet the minimum qualifications described in s. 943.13,
250 except for the requirement found in s. 943.13(9). Further, such
251 officer must complete any training required by the commission by
252 rule in compliance with s. 943.131(2). Any such officer who
253 fails to comply with the requirements provided in s. 943.131(2)
254 must meet the minimum qualifications described in s. 943.13, to
255 include the requirement of s. 943.13(9).

256 (9) Each person employed pursuant to s. 943.131 is subject
257 to discipline by the commission. Persons who have been subject
258 to disciplinary action pursuant to this subsection are
259 ineligible for employment or appointment under s. 943.131.

260 (a) The commission shall cause to be investigated any
261 conduct defined in subsection (6) or subsection (7) by a person
262 employed under s. 943.131 and shall set disciplinary guidelines
263 and penalties prescribed in rules applicable to such
264 noncertified persons.

265 (b) The disciplinary guidelines and prescribed penalties
266 must be based upon the severity of specific offenses. The
267 guidelines must provide reasonable and meaningful notice to
268 officers and to the public of penalties that may be imposed for
269 prohibited conduct. The penalties must be consistently applied
270 by the commission.

271 (c) In addition, the commission may establish violations



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272 and disciplinary penalties for intentional abuse of the
273 employment option provided by s. 943.131 by an individual or
274 employing agency.

275 (10) An officer whose certification has been revoked
276 pursuant to this section shall be ineligible for employment or
277 appointment under s. 943.131.

278 Section 9. This act shall take effect July 1, 2018.

279

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

281 And the title is amended as follows:

282 Delete everything before the enacting clause

283 and insert:

284 A bill to be entitled

285 An act relating to minimum basic recruit training
286 exemptions; amending s. 943.10, F.S.; defining the
287 term "special operations forces"; amending s. 943.13,
288 F.S.; exempting former special operations forces
289 members who meet certain requirements from the
290 Criminal Justice Standards and Training Commission-
291 approved basic recruit training program; amending s.
292 943.131, F.S.; requiring an employing agency, training
293 center, or criminal justice selection center to verify
294 and document that special operations forces applicants
295 meet certain requirements if the applicants seek an
296 exemption from a basic recruit training program
297 approved by the commission; requiring the employing
298 agency, training center, or criminal justice selection
299 center to submit the documentation to the commission;
300 reenacting ss. 943.1395(3) and 943.17296, F.S.,



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301 relating to certification for employment or
302 appointment as an officer and training in identifying
303 and investigating elder abuse and neglect,
304 respectively, to incorporate the amendment made to s.
305 943.13, F.S., in references thereto; reenacting ss.
306 626.989(7), 943.133(1) and (6), and 943.1395(3), (9),
307 and (10), F.S., relating to investigations by the
308 Division of Investigative and Forensic Services, the
309 responsibilities of certain employing entities, and
310 certification for certain employment or appointment,
311 respectively, to incorporate the amendment made to s.
312 943.131, F.S., in references thereto; providing an
313 effective date.

By Senator Stargel

22-00487A-18

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1 A bill to be entitled
 2 An act relating to temporary employment or appointment
 3 of officers; amending s. 943.10, F.S.; defining the
 4 term "special operations forces"; amending s. 943.131,
 5 F.S.; requiring an employing agency or criminal
 6 justice selection center to verify and document that
 7 certain applicants have served in the special
 8 operations forces and completed certain training if
 9 they seek an exemption from a basic recruit training
 10 program approved by the Criminal Justice Standards and
 11 Training Commission; requiring the employing agency or
 12 selection center to submit the documentation to the
 13 commission; reenacting ss. 626.989(7), 943.13(9),
 14 943.133(1) and (6), and 943.1395(3), (9), and (10),
 15 F.S., relating to investigations by the Division of
 16 Investigative and Forensic Services, officers' minimum
 17 qualifications for employment or appointment, the
 18 responsibilities of certain employing entities, and
 19 certification for certain employment or appointment,
 20 respectively, to incorporate the amendment made to s.
 21 943.131, F.S., in references thereto; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (22) is added to section 943.10,
 27 Florida Statutes, to read:
 28 943.10 Definitions; ss. 943.085-943.255.—The following
 29 words and phrases as used in ss. 943.085-943.255 are defined as

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30 follows:

31 (22) "Special operations forces" means those active and
 32 reserve component forces of the military services designated by
 33 the Secretary of Defense and specifically organized, trained,
 34 and equipped to conduct and support special operations. This
 35 includes, but is not limited to, servicemembers of the United
 36 States Army Special Forces with military occupational skill 18,
 37 the 75th Ranger Regiment with military occupational skill 11,
 38 and the Combat Applications Group with military occupational
 39 skills 11 and 18; the United States Navy SEALs and special
 40 warfare combatant-craft crewmen with a military occupational
 41 skill in the 5300 series; the United States Air Force special
 42 tactics air force specialty code 13CX; the United States Marine
 43 Corps critical skills operators with military occupational skill
 44 0372 and special operations officers with military occupational
 45 skill 0370; and any other component of the United States Special
 46 Operations Command approved by the commission.

47 Section 2. Section 943.131, Florida Statutes, is amended to
 48 read:

49 943.131 Temporary employment or appointment; minimum basic
 50 recruit training ~~exemptions~~ ~~exemption~~—

51 (1) (a) An employing agency may temporarily employ or
 52 appoint a person who complies with the qualifications for
 53 employment in s. 943.13(1)-(8), but has not fulfilled the
 54 requirements of s. 943.13(9) and (10), if a critical need exists
 55 to employ or appoint the person and such person is or will be
 56 enrolled in the next approved basic recruit training program
 57 available in the geographic area or that no assigned state
 58 training program for state officers is available within a

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59 reasonable time. The employing agency must maintain
 60 documentation which demonstrates that a critical need exists to
 61 employ a person pursuant to this section. Prior to the
 62 employment or appointment of any person other than a
 63 correctional probation officer under this subsection, the person
 64 shall comply with the firearms provisions established pursuant
 65 to s. 943.17(1)(a). Any person temporarily employed or appointed
 66 as an officer under this subsection must attend the first
 67 training program offered in the geographic area, or the first
 68 assigned state training program for a state officer, subsequent
 69 to his or her employment or appointment. A person temporarily
 70 employed or appointed as an officer under this subsection must
 71 begin basic recruit training within 180 consecutive days after
 72 employment. Such person must fulfill the requirements of s.
 73 943.13(9) within 18 months after beginning basic recruit
 74 training and must fulfill the certification examination
 75 requirements of s. 943.13(10) within 180 consecutive days after
 76 completing basic recruit training. A person hired after he or
 77 she has commenced basic recruit training or after completion of
 78 basic recruit training must fulfill the certification
 79 examination requirements of s. 943.13(10) within 180 consecutive
 80 days after completion of basic recruit training or the
 81 commencement of employment, whichever occurs later.

82 (b) In no case may the person be temporarily employed or
 83 appointed for more than 30 months. A person shall not be
 84 eligible to transfer to another employer while employed pursuant
 85 to this subsection. However, a person who is temporarily
 86 employed or appointed and is attending the first training
 87 program offered in the geographic area, or has been assigned to

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88 a state training program, may continue to be temporarily
 89 employed or appointed until the person:

90 1. Fails or withdraws from a basic recruit training program
 91 within the time limits specified in this subsection;

92 2. Fails to achieve an acceptable score on the officer
 93 certification examination within 180 consecutive days after the
 94 successful completion of the basic recruit training program
 95 within the time limits specified in this subsection; or

96 3. Is separated from employment or appointment by the
 97 employing agency within the time limits specified in this
 98 subsection.

99 (c) No person temporarily employed or appointed under the
 100 provisions of this subsection may perform the duties of an
 101 officer unless he or she is adequately supervised by another
 102 officer of the same discipline. The supervising officer must be
 103 in full compliance with the provisions of s. 943.13 and must be
 104 employed or appointed by the employing agency.

105 (d) Persons employed under this subsection are subject to
 106 the provisions of s. 943.1395.

107 (e) Persons who have had a certification administered
 108 pursuant to s. 943.1395 revoked by the commission or have
 109 voluntarily relinquished such certification shall be ineligible
 110 for employment pursuant to this subsection.

111 (2) If an applicant seeks an exemption from completing a
 112 commission-approved basic recruit training program, the
 113 employing agency or criminal justice selection center must do
 114 one of the following, as appropriate:

115 (a) Verify that the applicant has successfully completed a
 116 comparable basic recruit training program for the discipline in

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117 which the applicant is seeking certification in another state or
 118 for the Federal Government or a previous Florida basic recruit
 119 training program. Further, the employing agency or criminal
 120 justice selection center must verify and document that the
 121 applicant has served as a full-time sworn officer in another
 122 state or for the Federal Government for at least 1 year provided
 123 there is no more than an 8-year break in employment or was a
 124 previously certified Florida officer provided there is no more
 125 than an 8-year break in employment, as measured from the
 126 separation date of the most recent qualifying employment to the
 127 time a complete application is submitted for an exemption under
 128 this section. ~~When~~ The employing agency or criminal justice
 129 selection center shall submit ~~obtains written~~ documentation of
 130 satisfaction of this requirement to the commission ~~regarding the~~
 131 ~~applicant's criminal justice experience, the documentation must~~
 132 ~~be submitted to the commission.~~

133 (b) Verify and document that the applicant has served in
 134 the special operations forces for a minimum of 10 years and has
 135 successfully completed a special operations forces training
 136 course. The employing agency or criminal justice selection
 137 center shall submit documentation of satisfaction of these
 138 requirements to the commission.

139
 140 The commission shall adopt rules that establish criteria and
 141 procedures to determine if an ~~the~~ applicant is exempt from
 142 completing the commission-approved basic recruit training
 143 program and, upon making such a determination, shall notify the
 144 employing agency or criminal justice selection center, as
 145 appropriate. An applicant who is exempt from completing the

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146 commission-approved basic recruit training program must
 147 demonstrate proficiency in the high-liability areas, as defined
 148 by commission rule, and must complete the requirements of s.
 149 943.13(10) within 1 year after receiving an exemption. If the
 150 proficiencies and requirements of s. 943.13(10) are not met
 151 within the 1 year, such an ~~the~~ applicant must seek an additional
 152 exemption pursuant to the requirements of this subsection.
 153 Except as provided in subsection (1), before an ~~the~~ employing
 154 agency may employ or appoint an ~~the~~ applicant as an officer, the
 155 applicant must meet the minimum qualifications described in s.
 156 943.13(1)-(8), and must fulfill the requirements of s.
 157 943.13(10).

158 Section 3. For the purpose of incorporating the amendment
 159 made by this act to section 943.131, Florida Statutes, in a
 160 reference thereto, subsection (7) of section 626.989, Florida
 161 Statutes, is reenacted to read:

162 626.989 Investigation by department or Division of
 163 Investigative and Forensic Services; compliance; immunity;
 164 confidential information; reports to division; division
 165 investigator's power of arrest.—

166 (7) Division investigators shall have the power to make
 167 arrests for criminal violations established as a result of
 168 investigations. Such investigators shall also be considered
 169 state law enforcement officers for all purposes and shall have
 170 the power to execute arrest warrants and search warrants; to
 171 serve subpoenas issued for the examination, investigation, and
 172 trial of all offenses; and to arrest upon probable cause without
 173 warrant any person found in the act of violating any of the
 174 provisions of applicable laws. Investigators empowered to make

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175 arrests under this section shall be empowered to bear arms in
 176 the performance of their duties. In such a situation, the
 177 investigator must be certified in compliance with the provisions
 178 of s. 943.1395 or must meet the temporary employment or
 179 appointment exemption requirements of s. 943.131 until
 180 certified.

181 Section 4. For the purpose of incorporating the amendment
 182 made by this act to section 943.131, Florida Statutes, in a
 183 reference thereto, subsection (9) of section 943.13, Florida
 184 Statutes, is reenacted to read:

185 943.13 Officers' minimum qualifications for employment or
 186 appointment.—On or after October 1, 1984, any person employed or
 187 appointed as a full-time, part-time, or auxiliary law
 188 enforcement officer or correctional officer; on or after October
 189 1, 1986, any person employed as a full-time, part-time, or
 190 auxiliary correctional probation officer; and on or after
 191 October 1, 1986, any person employed as a full-time, part-time,
 192 or auxiliary correctional officer by a private entity under
 193 contract to the Department of Corrections, to a county
 194 commission, or to the Department of Management Services shall:

195 (9) Complete a commission-approved basic recruit training
 196 program for the applicable criminal justice discipline, unless
 197 exempt under this subsection. An applicant who has:

198 (a) Completed a comparable basic recruit training program
 199 for the applicable criminal justice discipline in another state
 200 or for the Federal Government; and

201 (b) Served as a full-time sworn officer in another state or
 202 for the Federal Government for at least 1 year provided there is
 203 no more than an 8-year break in employment, as measured from the

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204 separation date of the most recent qualifying employment to the
 205 time a complete application is submitted for an exemption under
 206 this section,

207
 208 is exempt in accordance with s. 943.131(2) from completing the
 209 commission-approved basic recruit training program.

210 Section 5. For the purpose of incorporating the amendment
 211 made by this act to section 943.131, Florida Statutes, in a
 212 reference thereto, subsections (1) and (6) of section 943.133,
 213 Florida Statutes, are reenacted to read:

214 943.133 Responsibilities of employing agency, commission,
 215 and program with respect to compliance with employment
 216 qualifications and the conduct of background investigations;
 217 injunctive relief.—

218 (1) The employing agency is fully responsible for the
 219 collection, verification, and maintenance of documentation
 220 establishing that an applicant complies with the requirements of
 221 ss. 943.13 and 943.131, and any rules adopted pursuant to ss.
 222 943.13 and 943.131.

223 (6) If an employing agency employs or appoints an officer
 224 in violation of this section or of s. 943.13, s. 943.131, or s.
 225 943.135, or any rules adopted pursuant thereto, the Department
 226 of Legal Affairs, at the request of the chair of the commission,
 227 shall apply to the circuit court in the county of the employing
 228 agency for injunctive relief prohibiting the employment or
 229 appointment of the person contrary to this section.

230 Section 6. For the purpose of incorporating the amendment
 231 made by this act to section 943.131, Florida Statutes, in a
 232 reference thereto, subsections (3), (9), and (10) of section

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233 943.1395, Florida Statutes, are reenacted to read:

234 943.1395 Certification for employment or appointment;
 235 concurrent certification; reemployment or reappointment;
 236 inactive status; revocation; suspension; investigation.—

237 (3) Any certified officer who has separated from employment
 238 or appointment and who is not reemployed or reappointed by an
 239 employing agency within 4 years after the date of separation
 240 must meet the minimum qualifications described in s. 943.13,
 241 except for the requirement found in s. 943.13(9). Further, such
 242 officer must complete any training required by the commission by
 243 rule in compliance with s. 943.131(2). Any such officer who
 244 fails to comply with the requirements provided in s. 943.131(2)
 245 must meet the minimum qualifications described in s. 943.13, to
 246 include the requirement of s. 943.13(9).

247 (9) Each person employed pursuant to s. 943.131 is subject
 248 to discipline by the commission. Persons who have been subject
 249 to disciplinary action pursuant to this subsection are
 250 ineligible for employment or appointment under s. 943.131.

251 (a) The commission shall cause to be investigated any
 252 conduct defined in subsection (6) or subsection (7) by a person
 253 employed under s. 943.131 and shall set disciplinary guidelines
 254 and penalties prescribed in rules applicable to such
 255 noncertified persons.

256 (b) The disciplinary guidelines and prescribed penalties
 257 must be based upon the severity of specific offenses. The
 258 guidelines must provide reasonable and meaningful notice to
 259 officers and to the public of penalties that may be imposed for
 260 prohibited conduct. The penalties must be consistently applied
 261 by the commission.

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262 (c) In addition, the commission may establish violations
 263 and disciplinary penalties for intentional abuse of the
 264 employment option provided by s. 943.131 by an individual or
 265 employing agency.

266 (10) An officer whose certification has been revoked
 267 pursuant to this section shall be ineligible for employment or
 268 appointment under s. 943.131.

269 Section 7. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/18

Meeting Date

470

Bill Number (if applicable)

140560

Amendment Barcode (if applicable)

Topic Temporary Employment or Appointment of Officers

Name Chase Daniels

Job Title Assistant Executive Director/Pasco Sheriff's Office

Address 8700 Citizens Dr

Street

New Port Richey

City

FL

State

34654

Zip

Phone 727-844-7784

Email cdaniels@pascosheriff.org

Speaking: For Against Information

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

Representing Pasco Sheriff's Office

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)

1.18.18

Meeting Date

470

Bill Number (if applicable)

Topic SB 470

Amendment Barcode (if applicable)

Name RON DRAA

Job Title EXTERNAL AFFAIRS DIR

Address 2331 PHILLIPS DR

Phone 410.7020

Street

TALL

City

FL

State

32301

Zip

Email RONALDDRAA@FDLE.STATE.FL.US

Speaking: For Against Information

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

Representing FDLE

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
APPEARANCE RECORD

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

1/18/2018

470

Meeting Date

Bill Number (if applicable)

Topic Temporary Employment or Appointment of Officers

Amendment Barcode (if applicable)

Name Matt Dunagan

Job Title Deputy Director

Address 2617 Mahan Drive

Phone 850-877-2165

Street

Tallahassee

FL

32308

Email mdunagan@flsheriffs.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Sheriffs Association

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

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL

Deputy Majority Leader
22nd District

October 25, 2017

The Honorable Audrey Gibson
Senate Military and Veterans Affairs,
Space, and Domestic Security Committee, Chair
405 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Gibson:

I respectfully request that SB 470, related to *Temporary Employment or Appointment of Officers*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Elizabeth Ryon/ Staff Director
Lois Graham/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

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 1170

INTRODUCER: Senator Perry

SUBJECT: Transportation

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Favorable
2.	_____	_____	ATD	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1170 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop the Ethical Ecotourism specialty license plate, establishes a \$25 annual use fee for the plate, and provides for the fees collected from the sale of the plate to be distributed equally to the Florida Society of Ethical Ecotourism and Paddle Florida, Inc.

The bill also directs the DHSMV to develop the Bronze Star special military license plate. The plate is available to recipients of the Bronze Star Medal upon application, proof of receipt of the medal, and payment of the required license tax. The DHSMV must also develop a second Bronze Star plate with the “V” device emblem for Bronze Star Medal recipients who were awarded the medal for valor.

Finally, the bill revises existing language within s. 320.089, F.S., relating to special military license plates, to provide clarity, and specifies that the current plate for former prisoners of war must include a likeness of the Prisoner of War Medal.

The DHSMV will incur programming and production costs to implement the bill.

The bill takes effect on July 1, 2018.

II. Present Situation:

License Plates

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

- Standard plates;

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

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.⁴

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty license plates.⁵ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶

The DHSMV is authorized to retain sufficient annual use fees from the sale of specialty license plates to defray its costs for inventory, distribution, and other direct costs associated with the program. The remainder of the proceeds collected are distributed as provided by law.⁷

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. In addition, DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Jan. 11, 2018).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV. See s. 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁸

Special Use License Plates

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

Currently, there are 21 special military license plates authorized in s. 320.089, F.S., available to military service members or veterans.⁹ Special military license plates are stamped with words consistent with the type of plate issued. Additionally, a likeness of the related campaign medal or badge appears on the plate.¹⁰ For example, a special military license plate issued to a former member of the U.S. military who deployed and served in Vietnam is stamped with the words "Vietnam War Veteran" and includes a likeness of the Vietnam Service Medal.¹¹

Applicants for special military license plates under s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of those who qualify for the Prisoner of War plate or certain disabled veterans who qualify for the Pearl Harbor or Purple Heart plate, to whom such plates are issued at no cost.¹²

With the exception of Woman Veteran plates,¹³ the first \$100,000 of revenue generated annually from the sale of special military license plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S. Additional revenue is deposited into the Operations and Maintenance Trust Fund operated by the Florida Department of Veterans' Affairs pursuant to s. 20.375(3), F.S., and used to support program operations that benefit veterans or the operation, maintenance, or construction of state-run domiciliary and nursing homes for veterans.¹⁴

⁸ Section 320.08056(8)(b), F.S.

⁹ The 21 special military license plates currently offered in s. 320.089, F.S., include the following: Veteran, Woman Veteran, World War II Veteran, Korean War Veteran, Vietnam War Veteran, Operation Desert Shield, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, National Guard, U.S. Reserves, Navy Submariner, Pearl Harbor survivor, Combat Infantry Badge, Combat Medical Badge, Combat Action Badge, Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, Purple Heart, and former Prisoner of War.

¹⁰ For plate samples, see Department of Highway Safety and Motor Vehicles, *Military License Plates*, <http://www.flhsmv.gov/specialtytags/miltags.html> (last visited Jan. 11, 2018).

¹¹ See s. 320.089(5), F.S.

¹² Section 320.089(1)(d) and (2), F.S.

¹³ Revenue generated from the sale of the Woman Veteran plates is deposited into the Operations and Maintenance Trust Fund and must be used solely for the purpose of creating and implementing programs to benefit woman veterans. Section 320.089(1)(c), F.S.

¹⁴ Section 320.089(1)(b), F.S.

Florida Society for Ethical Ecotourism

The International Ecotourism Society defines “ecotourism” as responsible travel to natural areas that conserves the environment and improves the well-being of local people.¹⁵ The Florida Society for Ethical Ecotourism (Florida SEE) was incorporated in 2001 to establish and maintain a professional code of ecotourism ethics in order to encourage an awareness and stewardship of Florida’s natural heritage.¹⁶ Florida SEE is governed by a voluntary board of directors to include individuals, ecotourism providers, tourism planners, protected area managers, academics, tourism associations, students, and travelers. Florida SEE membership categories include associate (\$50 annually), individual (\$25 annually), and student (\$10 annually).¹⁷

As part of their operations, Florida SEE:

- Endorses compliance with federal, state, and local laws regarding the protection of natural resources and customer safety;
- Encourages ecotourism providers to provide environmental education and awareness to their clients and promote behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources; and
- Promotes professionalism and integrity within the ecotourism industry by maintaining a certification program for Florida ecotourism providers.¹⁸

Florida SEE’s certification program recognizes ecotourism providers who contribute to the environmental, social, and economic sustainability of Florida.¹⁹ Certified providers are promoted by Florida SEE through social media, press releases, newsletters, and other publications distributed to businesses and tourism destination organizations. Certification is available only to associate members. According to Florida SEE’s website, there are over 60 associate Florida SEE members, of which 10 are certified ecotourism providers.²⁰

Paddle Florida, Inc.

Paddle Florida, Inc., is a non-profit corporation incorporated in 2011 to support canoeing and kayaking in Florida and seeks to promote the state as an international destination for nature-based tourism.²¹ The organization hosts multi-day paddling events in each of Florida’s five water management districts raising awareness for water conservation, wildlife preservation, restoration of springs and protection of waterways.²² Approximately 350-450 individuals participate in each paddle event.²³

¹⁵ Florida Society for Ethical Ecotourism (SEE), *Ecotourism*, <https://www.floridasee.org/ecotourism.php> (last visited Jan. 11, 2018).

¹⁶ Florida SEE, *About Florida SEE*, http://www.floridasee.org/about_florida_see.php (last visited Jan. 11, 2018).

¹⁷ Florida SEE, *Membership*, <https://www.floridasee.org/membership.php> (last visited Jan. 11, 2018).

¹⁸ Florida SEE Articles of Incorporation (Jan. 10, 2001), available at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited Jan. 16, 2018).

¹⁹ Florida See, *Certification*, <https://www.floridasee.org/certification.php> (last visited Jan. 11, 2018).

²⁰ Florida SEE, *Associate Members*, https://www.floridasee.org/associate_members.php (last visited Jan. 11, 2018).

²¹ Paddle Florida, <http://www.paddleflorida.org/> (last visited Jan. 11, 2018).

²² Paddle Florida, Inc., IRS Form 990, Schedule O, Statement 2 (2016), 2, https://s3.amazonaws.com/Ocoos_Sp_Content/2795/spdocument/paddle_fl_2016_990-a8568c60a4c6512c6ff9ec697009124e.pdf (last visited Jan. 16, 2018).

²³ Id.

Paddle Florida staff scout waterways in advance of these events to ensure safe tours and partner with local outfitters to provide equipment rentals for participants. Additionally, Paddle Florida hosts Florida-based entertainment and educational programming during each event.²⁴ The organization's website lists seven scheduled paddling events for the 2017-2018 season.

Paddle Florida is recognized by Florida SEE as one of its certified providers.²⁵

Bronze Star Medal

The Bronze Star Medal was established on February 4, 1944, to recognize those who served after December 6, 1941, in any capacity in or with the Armed Forces of the United States or a friendly foreign nation.²⁶ The Bronze Star Medal is awarded to a person who distinguished himself or herself by heroic or meritorious service, not involving participation in aerial flight, in connection with military operations against an armed enemy; or while engaged in military operations involving conflict with an opposing armed force in which the United States is not a belligerent party.²⁷ When the Bronze Star Medal is awarded for valor, the "V" device²⁸ is authorized.

Recipients of the Bronze Star Medal must have been receiving imminent danger pay while serving in a geographic area authorized for special pay or as a result of those events.²⁹ In order of precedence, the Department of Defense (DoD) places the Bronze Star Medal seventh amongst DoD wide military decorations and awards following the Distinguished Flying Cross and preceding the Purple Heart.³⁰ Since its inception, the Bronze Star Medal has been awarded to over 1.3 million recipients.³¹ Of those recipients, more than 176,000 were awarded the Bronze Star Medal with a "V" device for valor.³²

III. Effect of Proposed Changes:

Sections 1 and 2 of the bill amend ss. 320.08056 and 320.08058, F.S., respectively, to require the Department of Highway Safety and Motor Vehicles (DHSMV) to create the Ethical Ecotourism specialty license plate. The plate has an annual use fee of \$25. The word "Florida" must appear at the top of the plate, and words approved by the DHSMV must appear at the bottom.

²⁴ Supra note 21.

²⁵ Supra note 20.

²⁶ Department of the Army, *Military Awards, Army Regulation 600-8-22*, 50 (June 25, 2015), https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/r600_8_22.pdf (last visited Jan. 11, 2018).

²⁷ Id.

²⁸ The "V" device is a bronze block letter worn to denote participation in acts of heroism involving conflict with an armed enemy. Supra note 26 at 74.

²⁹ 10 U.S.C. 1133.

³⁰ Department of Defense, *DoD Manual 1348.33, Vol. 3* (December 21, 2016).

³¹ U.S Army Human Resources Command, *Awards and Decorations Statistics by Conflict* (Dec. 31, 2016), available at <https://www.hrc.army.mil/content/Awards%20and%20Decorations%20Statistics%20by%20Conflict> (last visited Jan. 11, 2018).

³² Id.

The annual use fee from the sale of the Ethical Ecotourism plate will be distributed equally between the Florida Society for Ethical Ecotourism (Florida SEE) and Paddle Florida, Inc. Florida SEE must use its share of the proceeds to provide environmental education and awareness that encourages behaviors that contribute to the sustainability of Florida's natural ecosystems and resources. Paddle Florida, Inc., must use its share of the proceeds to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state. The organizations may use up to 10 percent of the proceeds for administrative costs and to market the plate.

Section 3 of the bill amends s. 320.089, F.S., to direct the DHSMV to create two military special license plates for recipients of the Bronze Star Medal and recipients of the Bronze Star Medal with the "V" device for valor. One plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal followed by the serial number of the plate. The other plate will be stamped with the words "Bronze Star" and a likeness of the Bronze Star Medal with the "V" device emblem followed by the serial number of the plate.

To receive one of the Bronze Star plates an individual must submit an application to the DHSMV, provide proof that he or she is a Bronze Star Medal or Bronze Star Medal with the "V" device recipient, and pay the appropriate license tax as provided in s. 320.08, F.S.

This bill also revises existing language within s. 320.089, F.S., to provide clarity, and specifies that the special military license plate for former prisoners of war must include a likeness of the Prisoner of War Medal. Currently, the plate must only be stamped with the words "Ex-POW."

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who choose to obtain the Ethical Ecotourism specialty license plate must remit a fee of \$25 in addition to the tax and fees levied upon the issuance of a standard license plate.

Bronze Star Medal recipients who choose to obtain one of the Bronze Star special military license plates will pay the same tax and fee as if he or she were issued a standard license plate.

C. Government Sector Impact:

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates a fiscal impact to the department of \$11,580 in FTE resources for the programming required to implement the provisions of the bill.³³ The DHSMV is authorized to retain revenues from the first proceeds of the Ethical Ecotourism specialty license plate to defray departmental expenditures related to the plate.³⁴

The bill may have a positive impact on the Florida Department of Veterans' Affairs' Grants and Donations Trust Fund and Operations and Maintenance Trust Fund from the sale of the Bronze Star license plates.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056, 320.08058, and 320.089.

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

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

None.

³³ DHSMV, *Senate Bill 1170 Agency Bill Analysis* (Jan. 8, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

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 Perry

8-00246A-18

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1 A bill to be entitled
 2 An act relating to transportation; amending s.
 3 320.08056, F.S.; establishing an annual use fee for
 4 the Ethical Ecotourism license plate; amending s.
 5 320.08058, F.S.; directing the Department of Highway
 6 Safety and Motor Vehicles to develop an Ethical
 7 Ecotourism license plate; providing for distribution
 8 and use of fees collected from the sale of the plate;
 9 amending s. 320.089, F.S.; creating a special license
 10 plate for recipients of the Bronze Star Medal;
 11 providing parameters for the design of the plate;
 12 making technical changes; providing effective dates.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Effective October 1, 2018, paragraph (ffff) is
 17 added to subsection (4) of section 320.08056, Florida Statutes,
 18 to read:
 19 320.08056 Specialty license plates.-
 20 (4) The following license plate annual use fees shall be
 21 collected for the appropriate specialty license plates:
 22 (ffff) Ethical Ecotourism license plate, \$25.
 23 Section 2. Effective October 1, 2018, subsection (84) is
 24 added to section 320.08058, Florida Statutes, to read:
 25 320.08058 Specialty license plates.-
 26 (84) ETHICAL ECOTOURISM LICENSE PLATES.-
 27 (a) The department shall develop an Ethical Ecotourism
 28 license plate as provided in this section and s. 320.08053. The
 29 word "Florida" must appear at the top of the plate, and words

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30 that are approved by the department must appear at the bottom of
 31 the plate.
 32 (b) The annual use fees from the sale of the plate shall be
 33 distributed equally between the Florida Society for Ethical
 34 Ecotourism and Paddle Florida, Inc., each of which may use up to
 35 10 percent of the proceeds for administrative costs and
 36 marketing of the plate. The balance of the annual use fees shall
 37 be used by the Florida Society for Ethical Ecotourism to provide
 38 environmental education and awareness that encourage behaviors
 39 by the public which contribute to the sustainability of
 40 Florida's natural ecosystems and resources and by Paddle
 41 Florida, Inc., to raise awareness about water conservation,
 42 wildlife preservation, restoration of springs, and protection of
 43 waterways in this state.
 44 Section 3. Section 320.089, Florida Statutes, is amended to
 45 read:
 46 320.089 ~~Veterans of the United States Armed Forces; members~~
 47 ~~of National Guard; survivors of Pearl Harbor; Purple Heart medal~~
 48 ~~recipients; active or retired United States Armed Forces~~
 49 ~~reservists; Combat Infantry Badge, Combat Medical Badge, or~~
 50 ~~Combat Action Badge recipients; Combat Action Ribbon recipients;~~
 51 ~~Air Force Combat Action Medal recipients; Distinguished Flying~~
 52 ~~Cross recipients; former prisoners of war; Korean War Veterans;~~
 53 ~~Vietnam War Veterans; Operation Desert Shield Veterans;~~
 54 ~~Operation Desert Storm Veterans; Operation Enduring Freedom~~
 55 ~~Veterans; Operation Iraqi Freedom Veterans; Women Veterans;~~
 56 ~~World War II Veterans; and Navy Submariners; Special license~~
 57 ~~plates for military servicemembers, veterans, and Pearl Harbor~~
 58 ~~Survivors; fee.-~~

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59 (1) (a) Upon receipt of a complete application and payment
 60 of the license tax for the vehicle as provided in s. 320.08, the
 61 department shall issue to a resident of the state who owns or
 62 leases ~~Each owner or lessee of~~ an automobile or truck for
 63 private use or a recreational vehicle as specified in s.
 64 320.08(9) (c) or (d), which is not used for hire or commercial
 65 use a license plate as provided in subparagraphs 1.-10., as
 66 appropriate, if the applicant provides the department with proof
 67 that he or she meets the qualifications specified in this
 68 section for the applicable license plate.

69 1. The department shall issue to a person released or
 70 discharged from any branch, who is a resident of the state and a
 71 veteran of the United States Armed Forces a license plate
 72 stamped with the words "Veteran" or "Woman Veteran" followed by
 73 the serial number of the license plate., ~~a Woman Veteran,~~

74 2. The department shall issue to a World War II Veteran a
 75 license plate stamped with the words "WWII Veteran" followed by
 76 the serial number of the license plate.

77 3. The department shall issue to a Navy Submariner a
 78 license plate stamped with the words "Navy Submariner" followed
 79 by the serial number of the license plate.

80 4. The department shall issue to an active or retired
 81 member of the Florida National Guard a license plate stamped
 82 with the words "National Guard" followed by the serial number of
 83 the license plate.

84 5. The department shall issue to a member of the Pearl
 85 Harbor Survivors Association or other person on active military
 86 duty in Pearl Harbor on December 7, 1941, a license plate
 87 stamped with the words "Pearl Harbor Survivor" followed by the

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88 serial number of the license plate., ~~a survivor of the attack on~~
 89 ~~Pearl Harbor,~~

90 6. The department shall issue to a recipient of the Purple
 91 Heart medal a license plate stamped with the words "Combat-
 92 wounded Veteran" followed by the serial number of the license
 93 plate. The Purple Heart plate may have the words "Purple Heart"
 94 stamped on the plate and the likeness of the Purple Heart medal
 95 may appear on the plate.

96 7. The department shall issue to an active or retired
 97 member of any branch of the United States Armed Forces Reserve a
 98 license plate stamped with the words "U.S. Reserve" followed by
 99 the serial number of the license plate.

100 8. The department shall issue to a member of the Combat
 101 Infantrymen's Association, Inc., or a recipient of the Combat
 102 Infantry Badge, Combat Medical Badge, Combat Action Badge,
 103 Combat Action Ribbon, or Air Force Combat Action Medal a license
 104 plate stamped with the words "Combat Infantry Badge," "Combat
 105 Medical Badge," "Combat Action Badge," "Combat Action Ribbon,"
 106 or "Air Force Combat Action Medal," as appropriate, and a
 107 likeness of the related campaign badge, ribbon, or medal
 108 followed by the serial number of the license plate.

109 9. The department shall issue to a recipient of the ~~or~~
 110 Distinguished Flying Cross a license plate stamped with the
 111 words "Distinguished Flying Cross" and a likeness of the
 112 Distinguished Flying Cross followed by the serial number of the
 113 license plate.

114 10. The department shall issue to a recipient of the Bronze
 115 Star a license plate stamped with the words "Bronze Star" and a
 116 likeness of the Bronze Star Medal followed by the serial number

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117 of the license plate. The department shall issue to a recipient
 118 of the Bronze Star with the "V" device a license plate stamped
 119 with the words "Bronze Star" and a likeness of the Bronze Star
 120 Medal with the "V" device emblem followed by the serial number
 121 of the license plate, upon application to the department,
 122 ~~accompanied by proof of release or discharge from any branch of~~
 123 ~~the United States Armed Forces, proof of active membership or~~
 124 ~~retired status in the Florida National Guard, proof of~~
 125 ~~membership in the Pearl Harbor Survivors Association or proof of~~
 126 ~~active military duty in Pearl Harbor on December 7, 1941, proof~~
 127 ~~of being a Purple Heart medal recipient, proof of active or~~
 128 ~~retired membership in any branch of the United States Armed~~
 129 ~~Forces Reserve, or proof of membership in the Combat~~
 130 ~~Infantrymen's Association, Inc., proof of being a recipient of~~
 131 ~~the Combat Infantry Badge, Combat Medical Badge, Combat Action~~
 132 ~~Badge, Combat Action Ribbon, Air Force Combat Action Medal, or~~
 133 ~~Distinguished Flying Cross, and upon payment of the license tax~~
 134 ~~for the vehicle as provided in s. 320.08, shall be issued a~~
 135 ~~license plate as provided by s. 320.06 which, in lieu of the~~
 136 ~~serial numbers prescribed by s. 320.06, is stamped with the~~
 137 ~~words "Veteran," "Woman Veteran," "WWII Veteran," "Navy~~
 138 ~~Submariner," "National Guard," "Pearl Harbor Survivor," "Combat-~~
 139 ~~wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"~~
 140 ~~"Combat Medical Badge," "Combat Action Badge," "Combat Action~~
 141 ~~Ribbon," "Air Force Combat Action Medal," or "Distinguished~~
 142 ~~Flying Cross," as appropriate, and a likeness of the related~~
 143 ~~campaign medal or badge, followed by the serial number of the~~
 144 ~~license plate. Additionally, the Purple Heart plate may have the~~
 145 ~~words "Purple Heart" stamped on the plate and the likeness of~~

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146 ~~the Purple Heart medal appearing on the plate.~~
 147 (b) Notwithstanding any ~~other provision of law to the~~
 148 ~~contrary, beginning with fiscal year 2002-2003 and annually~~
 149 ~~thereafter,~~ the first \$100,000 in annual general revenue
 150 generated from the sale of license plates issued under this
 151 section shall be deposited into the Grants and Donations Trust
 152 Fund, as described in s. 296.38(2), to be used for the purposes
 153 established by law for that trust fund. Any additional general
 154 revenue generated from the sale of such plates shall be
 155 deposited into the Operations and Maintenance Trust Fund within
 156 the Department of Veterans' Affairs and used to support program
 157 operations that benefit veterans or the operation, maintenance,
 158 or construction of domiciliary and nursing homes for veterans,
 159 subject to the requirements of chapter 216.
 160 (c) Any revenue generated from the sale of Woman Veteran
 161 license plates must be deposited into the Operations and
 162 Maintenance Trust Fund administered by the Department of
 163 Veterans' Affairs pursuant to s. 20.375(3) and must be used
 164 solely for the purpose of creating and implementing programs to
 165 benefit women veterans.
 166 (d) Notwithstanding any ~~provisions of law to the contrary,~~
 167 the department shall issue to an applicant for a Pearl Harbor
 168 Survivor license plate or a Purple Heart license plate who also
 169 qualifies for a disabled veteran's license plate under s.
 170 320.084 ~~shall be issued~~ the appropriate special license plate
 171 without payment of the license tax imposed by s. 320.08.
 172 (2) The department shall issue to each owner or lessee of
 173 an automobile or truck for private use, a truck weighing not
 174 more than 7,999 pounds, or a recreational vehicle as specified

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175 in s. 320.08(9)(c) or (d) ~~τ~~ which is not used for hire or
 176 commercial use who is a resident of this state and who is a
 177 former prisoner of war, or his or her unremarried surviving
 178 spouse, upon application to the department, ~~shall be issued~~ a
 179 license plate as provided in s. 320.06 which may have the words
 180 "Ex-POW"τ stamped on the plate and the likeness of the Prisoner
 181 of War Medal ~~with the words "Ex-POW"~~ followed by the serial
 182 number. Each application shall be accompanied by proof that the
 183 applicant meets the qualifications specified in paragraph (a) or
 184 paragraph (b).

185 (a) The department may issue to a citizen of the United
 186 States who served as a member of the Armed Forces of the United
 187 States or the armed forces of a nation allied with the United
 188 States who was held as a prisoner of war at such time as the
 189 Armed Forces of the United States were engaged in combat, or his
 190 or her unremarried surviving spouse, ~~may be issued~~ the special
 191 license plate provided for in this subsection without payment of
 192 the license tax imposed by s. 320.08.

193 (b) The department may issue to a person who was serving as
 194 a civilian with the consent of the United States Government, or
 195 a person who was a member of the Armed Forces of the United
 196 States while he or she was not a United States citizen and was
 197 held as a prisoner of war when the Armed Forces of the United
 198 States were engaged in combat, or his or her unremarried
 199 surviving spouse, ~~may be issued~~ the special license plate
 200 provided for in this subsection upon payment of the license tax
 201 imposed by s. 320.08.

202 (3) The department shall issue to each owner or lessee of
 203 an automobile or truck for private use, a truck weighing not

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204 more than 7,999 pounds, or a recreational vehicle as specified
 205 in s. 320.08(9)(c) or (d) ~~τ~~ which is not used for hire or
 206 commercial use who is a resident of this state and who is the
 207 unremarried surviving spouse of a recipient of the Purple Heart
 208 medal, upon application to the department accompanied by the
 209 payment of the required fees, ~~shall be issued~~ a license plate as
 210 provided in s. 320.06 which is stamped with the words "Purple
 211 Heart" and the likeness of the Purple Heart medal followed by
 212 the serial number. Each application shall be accompanied by
 213 proof that the applicant is the unremarried surviving spouse of
 214 a recipient of the Purple Heart medal.

215 (4) The department shall issue to the owner or lessee of an
 216 automobile or truck for private use, a truck weighing not more
 217 than 7,999 pounds, or a recreational vehicle as specified in s.
 218 320.08(9)(c) or (d) which is not used for hire or commercial use
 219 who is a resident of this state and a current or former member
 220 of the United States Armed Forces who was deployed and served in
 221 Korea during the Korean War as defined in s. 1.01(14), upon
 222 application to the department accompanied by proof of active
 223 membership or former active duty status during the Korean War
 224 and payment of the license tax for the vehicle as provided in s.
 225 320.08, ~~shall be issued~~ a license plate as provided by s. 320.06
 226 which, in lieu of the registration license number prescribed by
 227 s. 320.06, is stamped with the words "Korean War Veteran" and a
 228 likeness of the Korean Service Medal, followed by the
 229 registration license number of the plate. Proof that the
 230 applicant was awarded the Korean Service Medal is sufficient to
 231 establish eligibility for the license plate.

232 (5) The department shall issue to the owner or lessee of an

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233 automobile or truck for private use, a truck weighing not more
 234 than 7,999 pounds, or a recreational vehicle as specified in s.
 235 320.08(9)(c) or (d) which is not used for hire or commercial use
 236 who is a resident of this state and a current or former member
 237 of the United States military who was deployed and served in
 238 Vietnam during United States military deployment in Indochina,
 239 upon application to the department accompanied by proof of
 240 active membership or former active duty status during these
 241 operations and payment of the license tax for the vehicle as
 242 provided in s. 320.08, ~~shall be issued~~ a license plate as
 243 provided by s. 320.06 which, in lieu of the registration license
 244 number prescribed by s. 320.06, is stamped with the words
 245 "Vietnam War Veteran" and a likeness of the Vietnam Service
 246 Medal, followed by the registration license number of the plate.
 247 Proof that the applicant was awarded the Vietnam Service Medal
 248 is sufficient to establish eligibility for the license plate.

249 (6) The department shall issue to the owner or lessee of an
 250 automobile or truck for private use, a truck weighing not more
 251 than 7,999 pounds, or a recreational vehicle as specified in s.
 252 320.08(9)(c) or (d) which is not used for hire or commercial use
 253 who is a resident of this state and a current or former member
 254 of the United States military who was deployed and served in
 255 Saudi Arabia, Kuwait, or another area of the Persian Gulf during
 256 Operation Desert Shield or Operation Desert Storm; in
 257 Afghanistan during Operation Enduring Freedom; or in Iraq during
 258 Operation Iraqi Freedom, upon application to the department
 259 accompanied by proof of active membership or former active duty
 260 status during one of these operations and payment of the license
 261 tax for the vehicle as provided in s. 320.08, ~~shall be issued~~ a

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262 license plate as provided by s. 320.06 which, in lieu of the
 263 registration license number prescribed by s. 320.06, is stamped
 264 with the words "Operation Desert Shield," "Operation Desert
 265 Storm," "Operation Enduring Freedom," or "Operation Iraqi
 266 Freedom," as appropriate, and a likeness of the related campaign
 267 medal followed by the registration license number of the plate.
 268 Proof that the applicant was awarded the Southwest Asia Service
 269 Medal, Iraq Campaign Medal, Afghanistan Campaign Medal, or
 270 Global War on Terrorism Expeditionary Medal is sufficient to
 271 establish eligibility for the appropriate license plate.

272 Section 4. Except as otherwise expressly provided in this
 273 act, this act shall take effect July 1, 2018.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: December 18, 2017

I respectfully request that **Senate Bill #1170**, relating to Transportation, be placed on the:

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

W. Keith Perry

Senator Keith Perry
Florida Senate, District 8

CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

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

Judge:

Started: 1/18/2018 1:31:04 PM

Ends: 1/18/2018 1:39:15 PM **Length:** 00:08:12

1:31:10 PM Meeting called to order by Chair Gibson
1:31:20 PM Roll Call by CAA Lois Graham
1:31:25 PM Quorum present
1:31:35 PM Pledge of Allegiance led by Senator Gainer
1:31:57 PM Opening comments by Chair Gibson
1:32:35 PM Chair Gibson with a point of personal privilege to recognize D. Moton Quaranta, President and CEO of the Northeast Women Veterans Organization
1:32:50 PM Tab 2 SB 1170 -Transportation, by Senator Perry
1:32:59 PM Senator Perry explains the bill
1:33:29 PM Chair Gibson calls for questions
1:33:44 PM Senator Perry closes on the bill
1:34:16 PM CAA Graham with roll call on SB 1170
1:34:34 PM SB 1170 reported favorably
1:35:01 PM Tab 1 - Temporary Employment or Appointment of Officers by Senator Stargel
1:35:10 PM Senator Stargel explains the bill
1:35:22 PM Chair Gibson takes up Strike-all Amendment Barcode 140560
1:35:33 PM Senator Stargel explains the strike-all amendment
1:36:08 PM Chair Gibson calls for questions and appearance forms
1:36:14 PM Chase Daniels, Assistant Executive Director/Pasco County Sherriff's Office in support of amendment
1:36:58 PM Chair Gibson with comments
1:37:07 PM Senator Stargel closes on amendment
1:37:13 PM Amendment is adopted
1:37:27 PM Chair Gibson calls for appearance forms on bill as amended
1:37:37 PM Ron Draa, FDLE waives in support
1:37:46 PM Matt Dunagan, Deputy Director Florida Sheriff's Association, waives in support
1:38:04 PM Chair Gibson calls for debate on the bill
1:38:06 PM Senator Stargel closes on the bill
1:38:17 PM CAA Graham with roll call
1:38:31 PM CS/SB 470 is reported favorably
1:38:48 PM Senator Taddeo with motion to record a yes vote on SB 1170 - motion adopted
1:39:06 PM Senator Stargel moves to adjourn
1:39:08 PM Meeting Adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, *Chair*
Appropriations Subcommittee on General
Government, *Vice Chair*
Community Affairs, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and
Civil Justice
Criminal Justice
Environmental Preservation and Conservation
Military and Veterans Affairs, Space, and
Domestic Security

SENATOR AARON BEAN

4th District

January 18, 2018

The Honorable Audrey Gibson
Chairman, Military & Veterans Affairs
405 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Gibson:

I respectfully request to be excused from attending the Senate Military & Veterans Affairs, Space and Domestic Security Committee on Wednesday, January 18th. I am unable to attend due to a previously arranged event.

Sincerely,

A handwritten signature in blue ink that reads "Aaron Bean".

Aaron Bean
State Senator | 4th District

CC: Elizabeth Ryon Staff Director
Lois Graham Administrative Assistant

REPLY TO:

- Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- 306 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore