

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

CS/HB 135 — Spaceport Territory

by Economic Development and Tourism Subcommittee and Rep. Goodson (CS/CS/SB 848 by Community Affairs Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Gardiner)

The bill revises spaceport territory for the purposes of the Space Florida Act to include properties in Brevard County as spaceport territory. The bill designates certain real property within the boundaries of the Space Coast Regional Airport, the Space Coast Industrial Park and the Spaceport Commerce Park, as spaceport territory.

The Space Coast Regional Airport is located about five miles south of Titusville and features a 7,319-foot runway. The Titusville-Cocoa Airport Authority governs the airport and serves as a corporate and commercial charter aviation facility. The Airport Authority is currently seeking a Space Launch Site Operator license from the Federal Aviation Administration. Two industrial properties, the Space Coast Industrial Park and the Spaceport Commerce Park, are located adjacent to the airport.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 117-1

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

CS/CS/SB 160 — Licensure Fee Exemptions for Military Veterans

by Appropriations Committee; Health Policy Committee; and Senators Richter, Dean, and Benacquisto

The bill requires the Department of Health (DOH) to waive the licensing fees associated with obtaining an initial license for a profession within the jurisdiction of the DOH for honorably discharged military veterans. A veteran must apply to the DOH for licensure within 24 months of discharge from the U.S. Armed Forces to be eligible for the fee waiver.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 115-0

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

CS/CS/CS/SB 390 — Veterans' Organizations

by Judiciary Committee; Criminal Justice Committee; Military and Veterans Affairs, Space, and Domestic Security Committee; and Senators Dean and Sachs

Solicitation of Funds by Veterans' Organizations

The bill forbids an entity from advertising or holding itself out as a veterans' organization unless it is an actual veterans' organization as defined by the bill. The bill defines a veterans' organization as a business entity whose earnings do not benefit a private shareholder and that exists for one or more of the following purposes:

- Promoting the social welfare of a community;
- Assisting needy war veterans and their dependents;
- Providing entertainment and care to hospitalized veterans;
- Carrying on programs to perpetuate the memory of deceased veterans;
- Conducting programs for religious, charitable, scientific, literary, or educational purposes;
- Providing insurance benefits for their members or their dependents;
- Providing social activities for their members;
- The earnings of the organization are devoted to charitable, religious, scientific, literary, educational, or fraternal purposes.

The bill makes it a violation of the Florida Deceptive and Unfair Trade Practices Act (act) for an entity to misrepresent itself as a veterans' organization if it is not. Consistent with the act, the bill allows a veterans' organization whose membership consists of current or past members of the U.S. military and their families to bring an action against an entity that misrepresents itself as a veterans' organization to obtain an injunction against it. A business entity that unlawfully holds itself out as a veterans' organization commits a misdemeanor of the first degree.

Misrepresentation of Military Service

The bill prohibits soliciting for charitable contributions while either misrepresenting that one is a member or veteran of the U.S. military or while wearing a U.S. military uniform or any U.S. military medal or insignia for which an individual is not authorized to wear. Current law prohibits a person from soliciting for charitable contributions while misrepresenting military or veteran status if the person is wearing a U.S. military uniform, medal, or insignia at the time.

The bill also expands the scope of the criminal offense to include misrepresenting military status or wearing a U.S. military uniform, medal, or insignia for which an individual is not authorized to wear "for the purpose of material gain." The bill provides that a person does not violate the statute while actually engaged in a theatrical profession.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0

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

CS/CS/HB 1223 — Deceptive and Unfair Trade Practices

by Judiciary Committee; Civil Justice Subcommittee; and Reps. Grant, Spano, and others (CS/SB 716 by Children, Families, and Elder Affairs Committee; and Senators Simpson, Abruzzo, Bradley, Hays, Ring, Evers, Benacquisto, Dean, Gibson, Detert, Richter, Soto, Garcia, Sachs, Diaz de la Portilla, and Sobel)

The bill provides military servicemembers and their spouses and dependent children the same heightened protections senior citizens and persons with disabilities have against deceptive or unfair trade practices. The bill provides that a person who willfully uses a method, act, or practice to victimize or attempt to victimize a military servicemember, or the spouse or child of a military servicemember, through a deceptive or unfair trade practice, is liable for a civil penalty of not more than \$15,000 for each violation. The bill defines “military servicemember” as a person who is on active duty in, or a veteran of, the U.S. Armed Forces. The bill also replaces the term “handicapped person” in the affected statute with the currently accepted term “person who has a disability.”

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 116-0

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

SB 1784 — Military Installations

by Military and Veterans Affairs, Space, and Domestic Security Committee; and Senator Brandes

The bill amends the purpose and functions of the Military Base Protection Program (MBPP), within the Department of Economic Opportunity (DEO). The bill provides legislative findings related to encroachment of military installations, redefines the functions of the MBPP, and provides funding authority for the Board of Trustees of the Internal Improvement Trust Fund (Board) to acquire non-conservation lands to buffer a military base against encroachment.

The bill redefines the functions of the MBPP to include:

- Securing non-conservation lands to serve as a buffer to protect military installations against encroachment; and
- Supporting local community efforts to engage in service partnerships with military installations.

The bill revises the current funding appropriation purposes of the MBPP to include encroachment reduction or prevention. The bill authorizes the DEO to submit an annual list to the Board to acquire non-conservation lands, and directs the Board to consider the recommendations of the Florida Defense Support Task Force in making determinations to acquire non-conservation lands. The bill authorizes the Board to acquire non-conservation lands from the list submitted by the DEO for buffering a military base against encroachment, subject to a specific appropriation. As it relates to the provisions outlined in the bill, the term “non-conservation lands” is defined as lands that are not subject to acquisition by the Florida Forever Program.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 119-0

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

CS/HB 7003 — Interstate Compact on Educational Opportunity for Military Children

by Education Appropriations Subcommittee; K-12 Subcommittee; and Rep. Renuart, and others (CS/SB 138 by Appropriations Committee; and Senators Brandes, Dean, and Benacquisto)

The bill (Chapter 2013-20, L.O.F.) reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (compact) and provides for future legislative review and repeal of the compact in 2016.

Participation in the compact enables member states to address educational transition issues faced by military families as they transfer from various states and school districts in accordance with official military orders. States are required to enact the compact into law in order to join the compact, which the Florida Legislature did in the 2008 Regular Session. Currently, 45 states and the District of Columbia are members of the compact. Since enactment in 2008, Florida's compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.

In addition to reauthorizing the compact and providing for future legislative review and repeal of the law, the bill also specifies that compact membership dues must be paid within existing resources by the Department of Education.

These provisions became law upon approval by the Governor on April 10, 2013.

Vote: Senate 36-0; House 116-0

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

CS/HB 7019 — Development Permits

by Economic Affairs Committee; Economic Development and Tourism Subcommittee; and Rep. Trujillo and others (CS/CS/SB 1840 by Rules Committee; Community Affairs Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee)

National Flood Insurance Program Compliance

The bill requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program administered by the Federal Emergency Management Administration.

House Bill 503 (2012 Regular Session) contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP. The bill seeks to bring state law into compliance with the federal requirements of NFIP.

Referenda Approval of Amendments to Comprehensive Plans or Development Orders

The bill clarifies an existing exemption to a current provision which prohibits local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

These provisions of the bill apply retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011.

High-Speed Rail Communication Facilities

The bill requires the Florida Rail Enterprise (enterprise), within the Department of Transportation, to establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The bill defines the terms "communications facilities" and "railroad company" and prohibits owners of communication facilities from providing voice or data services to persons or entities not involved in the operation of a high-speed rail system.

The bill contains provisions relating to the submission and review of an application for a railroad company to obtain a permit to construct communication facilities and authorizes the enterprise to adopt rules regarding the administration of such permits. The enterprise is required to provide a copy of a completed permit application to the municipalities or counties where the high-speed rail system will be located and allow the affected local governments 30 days to provide comments to the enterprise regarding the application.

The bill provides that the activities authorized in a permit issued by the enterprise for the construction of communication facilities are not subject to local government land use or zoning regulations. Additionally, such permit is in lieu of any license, permit, certificate, or similar document required by any local agency and may include variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities.

Leasing of County Property Ancillary to a Professional Sports Franchise Facility

The bill allows boards of county commissioners to negotiate the terms and conditions of a lease or license associated with commercial development that is ancillary to a professional sports franchise facility, if the ancillary development property is part of or contiguous to, the professional sports franchise facility. This leasing authority applies only in situations in which a professional sports franchise facility lease has been in effect for at least 10 years and has at least an additional 10 years remaining in the lease term.

Permit Extensions

Chapter 2011-39, L.O.F., provides a 2-year extension for any building permit or any permit issued by the Department of Environmental Protection or by a water management district pursuant to ch. 373, part IV, F.S., which has an expiration date from January 1, 2012, through January 1, 2014. The bill extends the deadline in which a permit holder must notify the authorizing agency of the permit holder's intention to utilize the 2-year permit extension. The deadline for notification is extended from December 31, 2012 to October 1, 2013.

Onsite Sewage Treatment and Disposal Systems in Monroe County

The bill provides the following conditions relating to onsite sewage treatment and disposal systems (OSTDSs) in Monroe County:

- Requires property owners not scheduled for service by a central sewer system by 2015 to comply with statutorily prescribed OSTDS effluent standards.
- Allows property owners that have recently installed an OSTDS in an area to be served by a central sewer system to continue to use the OSTDS until 2020.
- Allows property owners who have paid the fees to connect to a central sewer system, in an area scheduled to be served by a central sewer by 2015, to install a holding tank with a high water alarm until connection to the central system.

Permits Extensions: Monroe County

The bill provides a 3-year extension for any building permit or any permit issued pursuant to ch. 373, part IV, F.S., regarding the management and storage of surface waters, which expires between January 1, 2012, and January 1, 2016. The bill sets a maximum extension of 7 total years for specified extensions in combination with this extension. This 3-year extension applies only in areas that are to be served by central sewer systems by December 2015 within the Florida Keys Area of Critical State Concern in unincorporated Monroe County and excludes special wastewater districts.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0

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

HB 7143 — OGSR Direct-support Organization for Department of Veterans' Affairs

by Government Operations Subcommittee and Rep. Cummings (CS/SB 474 by Governmental Oversight and Accountability Committee; and Military and Veterans Affairs, Space, and Domestic Security Committee)

The bill is the result of the Military and Veterans Affairs, Space, and Domestic Security Committee's Open Government Sunset Review of the public records exemption for information that identifies a donor or prospective donor to the direct-support organization to the Florida Department of Veterans' Affairs if the donor desires to remain anonymous. The exemption will expire on October 2, 2013, unless saved from repeal through reenactment by the Legislature. The bill reenacts this public records exemption. The exemption is no longer subject to a scheduled legislative review and automatic repeal.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 37-0; House 113-0