

Tab 1	SB 366 by Burgess (CO-INTRODUCERS) Perry, Gruters; (Similar to CS/H 00635) Dental Services for Veterans						
107386	A	S	RCS	MS, Burgess	Delete L.27 - 50:	03/29 03:30 PM	
Tab 2	SB 550 by Burgess; (Similar to CS/H 00339) Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action						
756988	A	S	RCS	MS, Burgess	Delete L.27 - 311:	03/29 03:30 PM	
Tab 3	SB 824 by Collins; (Similar to CS/H 00485) Veterans' Services and Recognition						
705128	A	S	RCS	MS, Collins	Delete L.35 - 188:	03/29 03:30 PM	
Tab 4	CS/SB 908 by TR, Rodriguez; (Similar to CS/CS/H 00645) Unmanned Aircraft Systems Act						
493824	A	S	RCS	MS, Rodriguez	Delete L.40 - 79:	03/29 03:30 PM	
Tab 5	SB 1318 by Wright; (Similar to CS/H 00839) Spaceflight Entity Liability						
532346	D	S	RCS	MS, Wright	Delete everything after	03/29 03:30 PM	
Tab 6	SB 1480 by Calatayud; (Similar to H 01615) Grants for Nonprofit Organization Safety						
686232	A	S	RCS	MS, Calatayud	Delete L.39:	03/29 03:30 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

**Senator Wright, Chair
Senator Torres, Vice Chair**

MEETING DATE: Wednesday, March 29, 2023
TIME: 12:00 noon—3:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Wright, Chair; Senator Torres, Vice Chair; Senators Berman, Calatayud, Collins, Pizzo, and Rodriguez

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 366 Burgess (Similar CS/H 635)	Dental Services for Veterans; Establishing the Veterans Dental Care Grant Program in the Department of Veterans' Affairs; requiring the department to contract with a direct-service organization to administer the program, etc. MS 03/29/2023 Fav/CS AHS AP	Fav/CS Yeas 6 Nays 0
2	SB 550 Burgess (Similar CS/H 339)	Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action; Defining the term "servicemember"; revising eligibility requirements for educational benefits provided by the state to a spouse or dependent child of a deceased or disabled servicemember; revising eligibility requirements for educational benefits provided by the state to a dependent child of a prisoner of war or a person missing in action; revising eligibility requirements for educational benefits provided by the state to a dependent child of a deceased or disabled servicemember who participated in certain military operations, etc. MS 03/29/2023 Fav/CS AED FP	Fav/CS Yeas 6 Nays 0
3	SB 824 Collins (Similar H 485)	Veterans' Services and Recognition; Creating the Division of Long-term Care within the Department of Veterans' Affairs; creating the "Veterans' Adult Day Health Care of Florida Act"; providing a purpose and definitions; providing for program audits, inspections, and operational standards; designating the week of November 11 of each year as "Veterans Week" in Florida, etc. MS 03/29/2023 Fav/CS AHS FP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
 Wednesday, March 29, 2023, 12:00 noon—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 908 Transportation / Rodriguez (Similar CS/CS/H 645)	Unmanned Aircraft Systems Act; Revising the definition of the term "critical infrastructure facility"; deleting a requirement that a person or governmental entity apply to the Federal Aviation Administration to restrict or limit the operation of drones in specified areas; deleting a provision allowing a drone operating in transit for commercial purposes to operate over a critical infrastructure facility under certain circumstances, etc. TR 03/14/2023 Fav/CS MS 03/29/2023 Fav/CS RC	Fav/CS Yeas 6 Nays 0
5	SB 1318 Wright (Similar CS/H 839)	Spaceflight Entity Liability; Defining the term "crew"; exempting a spaceflight entity from liability for injury to or death of a crew resulting from the inherent risks of spaceflight activities under certain circumstances; revoking immunity privileges for a noncompliant spaceflight entity, etc. MS 03/29/2023 Fav/CS JU RC	Fav/CS Yeas 6 Nays 0
6	SB 1480 Calatayud (Similar H 1615)	Grants for Nonprofit Organization Safety; Requiring the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program, etc. MS 03/29/2023 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Adjutant General of Florida National Guard			
7	Haas, John D. (St. Augustine)	Pleasure of Governor	Recommend Confirm Yeas 6 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 366

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

SUBJECT: Dental Services for Veterans

DATE: March 29, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AHS</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 366 establishes the Veterans Dental Care Grant Program (Program) within the Department of Veterans' Affairs (Department). The purpose of the Program is to provide dental care to in-state indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the Department to contract with a statewide direct-support organization (DSO) to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The Department must use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

Funding for the Program is subject to legislative appropriation. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Federal Health Care Benefits for Veterans

Federal health care benefits are generally available to a veteran who served for 24 continuous months in the active military, naval, or air service, or as a current or former member of the Reserves or the National Guard if called to and completed active duty.¹ To qualify, a person must not have been discharged dishonorably. However, an upgraded discharge is recognized.²

Benefits include:

- Inpatient and outpatient care at U.S. Department of Veteran Affairs (VA) medical facilities;
- Prescription drugs from VA providers;
- Long-term care depending on needs, income, and space availability;
- Care from community health care providers when the VA cannot provide care;
- Mental health care; and
- Women's specialty health care.³

Unlike other health care benefits that are generally provided across the board, VA dental benefits are offered in limited circumstances if a veteran:

- Has a service-connected dental disability or condition (10% or greater rating) for which the veteran receives monthly compensation payments;
- Has a service-connected dental noncompensable dental condition or a disability (0% rating) resulting from combat or service trauma;
- Has service-connected disabilities rated 100% (total rating) disabling, or are unemployable and paid at the 100% rate due to service-connected conditions;
- Are a former prisoner of war;
- Has requested dental care within 180 days after discharge or release (under conditions other than dishonorable) from a period of active duty of 90 days or more (one time dental care);
- Has a dental condition clinically determined by the VA to be associated with and aggravating a service-connected medical condition;
- Is actively engaged in a Title 38, USC Chapter 31 Vocational Rehabilitation and Employment Program (limited dental care);
- Is receiving VA care or is scheduled for inpatient care and requires dental care for a condition complicating a medical condition currently under treatment; or
- Is enrolled in a qualifying VA sponsored homeless residential rehabilitation program for at least 60 days (one time dental care).⁴

¹ U.S. Dep't of Veterans Affairs, *Eligibility for VA Health Care*, available at <https://www.va.gov/health-care/eligibility/> (last visited Feb. 14, 2023).

² *Id.*

³ U.S. Gov't Online, *Health Benefits and Issues for Veterans*, available at <https://www.usa.gov/veteran-health#item-35807> (last visited Feb. 14, 2023).

⁴ U.S. Dep't. of Veterans Affairs, *Health Benefits*, available at https://www.va.gov/healthbenefits/resources/publications/IB10-442_dental_benefits_for_veterans.pdf (last visited Mar. 23, 2023).

Direct-Support Organization of the Department

The Florida Legislature authorized the Department to establish a direct-support organization (DSO) in 2008.⁵ The DSO for the Department is a not-for-profit corporation organized and operated exclusively to obtain funds, such as grants, gifts, and bequests of money.⁶ Funds are then expended to support the Department, veterans, and congressionally chartered veteran service organizations with subdivisions in the state.⁷ A DSO operates under a written contract with the Department, is governed by a Board of Directors, and is subject to audit.⁸

The DSO for the Department is the Florida Veterans Foundation. The foundation provides direct services and partners with state and local governments, veteran service organizations, and educational institutions to improve veterans' physical, financial, mental, emotional, and social well-being.⁹ The foundation is supported by individual and corporate donations, grants, fundraisers, and direct public support.

As a special project of the foundation, the foundation partners with the Florida Dental Association and the Florida Mission of Mercy Dental Clinic to provide no-cost dental services to veterans in need.¹⁰

Dental Service Programs

No-cost dental care is provided to veterans in need at two annual Florida events.

Stars, Stripes, & Smiles, a collaborative effort between a Florida congressman's office and a local county dental association, provides no-cost dental services to veterans.¹¹ Services provided through the annual event in West Pasco County are intended to afford veterans relief from dental pain and infection.¹² Services are funded through private donation and professional dentistry and other volunteers.

A second effort in the state to provide no-cost dental services to veterans is the Florida Mission of Mercy Dental Clinic.¹³ Part of an annual 2-day dental clinic, dentistry volunteers provide dental services to persons who are underserved and uninsured. The first day of the event is for veterans only.¹⁴ Services provided through the annual event afford recipients, including veterans, dental exams, cleanings, fillings, extractions, root canals, and limited dentures and partials.¹⁵

⁵ Section 292.055, F.S.; ch. 2008-4, Laws of Fla.

⁶ Section 292.055(2)(b)2., F.S.

⁷ *Id.*

⁸ Section 292.055(3), (4), and (8), F.S.

⁹ Florida Veterans Foundation, *About Florida Veterans Foundation*, available at <https://helpflvets.org/about/> (last visited Mar. 28, 2023).

¹⁰ Florida Veterans Foundation, *Special Veterans Projects*, available at <https://helpflvets.org/special-veteran-projects/> (last visited Mar. 28, 2023).

¹¹ Stars, Stripes, & Smiles, *Home*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023). The local association involved is the West Pasco Dental Association and the last event was held Nov. 4, 2022.

¹² Stars, Stripes, & Smiles, *About Us*, available at <https://www.usaveteransmiles.org/> (last visited Feb. 17, 2023).

¹³ By way of example, the 2022 event was held in Tallahassee, FL. Florida Veterans Foundation, *2022 Florida Mission of Mercy*, available at <https://www.floridadental.org/foundation/programs/mission-of-mercy> (last visited Mar. 24, 2023)

¹⁴ *Id.*

¹⁵ *Id.*

United States Federal Poverty Income Guidelines

Federal poverty income guidelines are annually updated.¹⁶ Current guidelines for 2023 provide the following for the 48 contiguous states¹⁷ and the District of Columbia:

Persons in Family/Household	Poverty Guideline
1	\$14,580
2	\$19,720
3	\$24,860
4	\$30,000
5	\$35,140
6	\$40,280 ¹⁸

Various federal programs use the guidelines, or percentage multiples of the guidelines, such as 125 percent or 185 percent of the guidelines, in determining eligibility. These include Head Start, the Supplemental Nutrition Assistance Program, the National School Lunch Program, the Low-Income Home Energy Assistance Program, and the Children's Health Insurance Program.¹⁹

III. Effect of Proposed Changes:

CS/SB 366 establishes the Veterans Dental Care Grant Program within the Department. The purpose of the Program is to provide dental care to in-state indigent veterans who reside in underserved and critical need areas of the state.

Eligible veterans are those who have served in the Army, Navy, Air Force, Coast Guard, Marine Corps, Space Force, Florida National Guard, and the United States Reserve Forces. To further qualify, a veteran must have been released from service honorably or later received an upgraded discharge of under honorable conditions. The bill requires the Department to contract with a statewide DSO to administer the Program. The DSO must have proven experience in establishing and implementing veteran programs, including those that provide dental services.

The Department shall use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services.

The bill requires the Department to adopt rules to administer the program and to specifically define in rule the terms "indigent veteran" and "underserved and critical need area."

Funding for the Program is subject to legislative appropriation.

¹⁶ U.S. Dep't of Health and Human Services, Office of the Asst. Secretary for Planning and Evaluation, *Poverty Guidelines, HHS Poverty Guidelines for 2023*, available at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines> (last visited Mar. 28, 2023).

¹⁷ *Id.* Poverty guidelines for Alaska and Hawaii are each separately calculated.

¹⁸ *Id.*

¹⁹ *Id.*

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Free dental care may financially benefit an eligible veteran who currently does not qualify through the VA, and does not currently take advantage of the two annual no-cost dental care events provided to veterans in need.

In addition, private sector nonprofit dental care providers contracted by the DSO to provide services may benefit from the Program.

C. Government Sector Impact:

Funding in the bill is subject to legislative appropriation. However, the bill may have an indeterminate, likely insignificant, negative fiscal impact to the Department, which can be absorbed within existing resources, from administrative tasks that may be required to implement the bill. Tasks involve software development, licensing, IT support, and data storage. Additionally, the bill may have a federal impact resulting from access needs of federal databases.²⁰

²⁰ Florida Dep't of Veterans' Affairs, *2023 Agency Legislative Bill Analysis on SB 366* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

VI. Technical Deficiencies:

None.

VII. Related Issues:

Whether an eligible veteran who receives federal dental benefits is precluded from participation in the Program is not specified in the bill.

VIII. Statutes Affected:

This bill creates section 295.157 of the Florida Statutes.

IX. Additional Information:

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute:

- Provides that dental services through the Veterans Dental Care Grant Program are for indigent veterans in underserved and critical need areas;
- Provides that the department must use the standard for determining indigency provided in the Federal Poverty Income Guidelines produced by the U.S. Department of Health and Human Services; and
- Requires the Department to define by rule “indigent veteran” and an “underserved and critical need area.”

- B. Amendments:

None.



107386

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 27 - 50
and insert:
provide indigent veterans in underserved and critical need areas
the opportunity to access routine dental care after they
conclude their service protecting this country's freedom.

(2) As used in this section, the term:

(a) "Department" means the Department of Veterans' Affairs.

(b) "Veteran" has the same meaning as in s. 1.01(14). The



107386

term includes all members of the Florida National Guard and United States Reserve Forces who were discharged or released under honorable conditions only, or who later received an upgraded discharge under honorable conditions.

(3) The Veterans Dental Care Grant Program is established within the Department of Veterans' Affairs. The purpose of the program is to provide oral health care to indigent veterans who reside in underserved and critical need areas of this state.

(4)(a) The department shall contract with a statewide direct-support organization to administer the Veterans Dental Care Grant Program. The statewide direct-support organization must have proven experience developing and implementing veteran-relevant programs, including dental service programs. The organization is responsible for distributing grants to eligible nonprofits that have experience in providing dental care to veterans.

(b) The department shall use the standard for determining indigency provided by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services.

(5) The department shall define by rule the terms "indigent veteran" and "underserved and critical need area" and shall adopt rules to administer the program.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete lines 2 - 8
and insert:
An act relating to dental services for indigent



107386

40 veterans; creating s. 295.157, F.S.; providing
41 legislative findings and intent; defining terms;
42 establishing the Veterans Dental Care Grant Program
43 within the Department of Veterans' Affairs; specifying
44 the purpose of the program; requiring the department
45 to contract with a direct-support organization to
46 administer the program; requiring the department to
47 use a specified standard for determining indigency;

By Senator Burgess

23-00521A-23

2023366__

A bill to be entitled

An act relating to dental services for veterans; creating s. 295.157, F.S.; providing legislative findings and intent; defining terms; establishing the Veterans Dental Care Grant Program in the Department of Veterans' Affairs; specifying the purpose of the program; requiring the department to contract with a direct-service organization to administer the program; requiring the department to adopt rules; providing that program funding is subject to legislative appropriation; providing an effective date.

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

Section 1. Section 295.157, Florida Statutes, is created to read:

295.157 Veterans Dental Care Grant Program.—

(1) The Legislature finds that veterans are not afforded dental care after serving in the United States Armed Forces unless they are totally and permanently disabled or have a direct service-connected injury impacting their oral health. The Legislature further finds that this has left many veterans without access to routine dental care for many years and has resulted in severe dental conditions that worsen due to a lack of access to proper dental treatment. It is the intent of the Legislature to create the Veterans Dental Care Grant Program to provide veterans the opportunity to access routine dental care after they conclude their service protecting this country's freedom.

Page 1 of 2

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

23-00521A-23

2023366__

(2) As used in this section, the term:

(a) "Department" means the Department of Veterans' Affairs.

(b) "Veteran" has the same meaning as in s. 1.01(14). The term includes all members of the Florida National Guard and United States Reserve Forces who were discharged or released under honorable conditions only, or who later received an upgraded discharge under honorable conditions.

(3) The Veterans Dental Care Grant Program is established within the Department of Veterans' Affairs. The purpose of the program is to provide oral health care to veterans who reside in this state.

(4) The department shall contract with a statewide direct-service organization to administer the Veterans Dental Care Grant Program. The statewide direct-service organization must have proven experience developing and implementing veteran-relevant programs, including dental service programs. The organization is responsible for distributing grants to eligible nonprofits that have experience in providing dental care to veterans.

(5) The department shall adopt rules to administer the program.

(6) Funding for the program is subject to appropriation by the Legislature.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 13, 2023

I respectfully request that **Senate Bill #366**, relating to Dental Care for Veterans, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23



2023 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans' Affairs

BILL INFORMATION

BILL NUMBER:	<u>SB 366</u>
BILL TITLE:	<u>Dental Services for Veterans</u>
BILL SPONSOR:	<u>Burgess</u>
EFFECTIVE DATE:	<u>July 1, 2023</u>

COMMITTEES OF REFERENCE

1) Click or tap here to enter text.
2) Click or tap here to enter text.
3) Click or tap here to enter text.
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Click or tap here to enter text.

SIMILAR BILLS

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

PREVIOUS LEGISLATION

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

IDENTICAL BILLS

BILL NUMBER:	HB 635
SPONSOR:	Maney

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	2/8/2023
LEAD AGENCY ANALYST:	Alyssa Deines
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Linda Carol Williams
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Creates Section 295.157, Florida Statutes, to provide dental services to veterans through a Veterans Dental Care Grant Program that is to be administered by the Florida Department of Veterans Affairs ("FDVA" or "Florida DVA").

The purpose of the program is to provide oral health care to veterans who reside in Florida.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

- a. There is no existing Veterans Dental Care Grant Program at the State level.

2. EFFECT OF THE BILL:

Creates a Veterans Dental Care Grant Program under the authority of FDVA subject to appropriations funding.

- FDVA intends to contract with a statewide direct service organization to administer the Veterans' Dental Care Grant Program, which organization has proven experience developing and implementing veteran-relevant programs including dental service programs.
- FDVA shall adopt rules for program administration and FDVA will be responsible for the development of a new rule chapter under the processes required by Chapter 120, Florida Statutes.

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

If yes, explain:	This bill requires the adoption of rules by the department to administer the program for dental services through a direct service organization.
Is the change consistent with the agency's core mission?	Y ☐ N ☒
Rule(s) impacted (provide references to F.A.C., etc.):	Click or tap here to enter text.

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

Proponents and summary of position:	Veterans who are not eligible for dental care that is provided by the United States Department of Veterans Affairs
Opponents and summary of position:	No Opponents known

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

Y ☐ N ☒

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

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

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

FISCAL ANALYSIS

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

Y ☐ N ☒

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

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

Y ☒ N ☐

Revenues:	Appropriations for grant funding will be requested from the Florida Legislature.
Expenditures:	Administrative costs to establish the program and develop relevant rules.
Does the legislation contain a State Government appropriation?	Yes, whatever the Legislature decides is appropriate to fund this program each year.
If yes, was this appropriated last year?	No

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

Y ☐ N ☒

Revenues:	Private sector nonprofit dental care providers will be contracted by the direct support organization to provide all services, statewide, and this can generate more businesses, as well as new jobs.
Expenditures:	Private sector nonprofit providers will expend costs to establish and equip offices, provide services, invoice direct care organization for services provided, market, and related services.

Other:	Click or tap here to enter text.

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

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

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

If yes, describe the anticipated impact to the agency including any fiscal impact.	FDVA will need to carry out the administrative tasks with the grants to the direct support organization connecting with dental care providers. This may require software, licensing, IT support, data storage, etc. There may be interoperability concerns. Will this require connection through VetraSpec or similar to check Veterans' records?
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FEDERAL IMPACT

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

If yes, describe the anticipated impact including any fiscal impact.	Access to VetraSpec or similar access to Federal databases; consider sharing agreements with USDVA facilities to provide dental care out of existing Federal facility locations.
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ADDITIONAL COMMENTS

Although this bill does not require any studies, it may be beneficial to perform some research and existing data that may be available about the dental services requests received by the USDVA but declined, due to the limitations of dental services provided, lack of funding.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	This is a very helpful idea since the dental care provided to veterans after service are very limited, only available to those who are totally and permanently disabled or have a direct service-connected injury impacting oral health which means that fewer veterans may be served. It is great that the Legislature is aware that the lack of access to routine dental care has resulted in severe dental conditions, and is providing a remedy that can be so helpful. In addition, limiting grant distribution to nonprofits who have experience in providing dental care to veterans, may offer a greater number of business opportunities in the private sector where care will be provided with a nonprofit motive to serve the greater good for veterans. Two concerns: (1) have you identified any direct support organizations with proven experience developing and implementing veteran-relevant programs including dental service programs? That seems like it would be rare.; and (2) are there any nonprofit dental service providers for veterans or is it anticipated that new nonprofit businesses can be developed?
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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/29/23

Meeting Date

Military & Vet. Affairs...

Committee

SB 366

Bill Number or Topic

Amendment Barcode (if applicable)

Name Alexandra Abbott (Ah-bodd)

Phone 850-224-1089

Address 118 E Jefferson St
Street

Email naiboo@floridadental.org

Tallahassee FL 32301
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Dental Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 0366

Meeting Date

Bill Number or Topic

3/29/2023
Military: VETERANS AFFAIRS
AND DOMESTIC SECURITYDeliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

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State

Zip

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☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.☒I am a registered lobbyist,
representing:

FDVA

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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 550

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

SUBJECT: Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action

DATE: March 29, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AED</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 550 changes a requirement for qualification of certain educational benefits provided to a dependent child or spouse of a disabled or deceased servicemember through the Children/Spouses of Deceased or Disabled Veterans scholarship program (CSDDV) and expands availability of this benefit to include spouses and dependent children of a member of the Florida National Guard or the United States Reserve Forces.

The bill shortens the requirement of a 1-year residency to 6 months and adds other factors. These factors are that Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database immediately preceding the death or disability of the servicemember, or that the child or spouse qualifies as a resident for tuition purposes (RFTP). Qualifying as a RFTP means that the child or spouse is a dependent for purposes of tax filings as is the basis for RFTP.

The bill may have an indeterminate negative fiscal impact to the Department of Education (DOE) should the number of applicants to the CSDDV increase. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Residency for Tuition Purposes

Students are classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs at charter technical career centers or career centers operated by school districts, Florida College System institutions, and state universities.¹

A dependent child is a person, whether or not living with a parent, who is eligible to be claimed by a parent as a dependent under the federal income tax code.²

Educational Benefits to Dependent Children and Spouses of Servicemembers

The CSDDV provides a higher education benefit to a qualifying child or spouse of a member of the Armed Forces.³ As defined in the CSDDV, a member of the Armed Forces means a member of the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.⁴

If a dependent child or a spouse of a servicemember of the Armed Forces is enrolled at a public institution, and qualifies, the child is eligible for full payment of tuition and registration fees.⁵ CSDDV recipients may also use the award for room and board, and books and supplies.⁶ If the dependent is enrolled at a private qualifying institution, the award is based on the average of the cost required at a public institution for tuition and registration fees.⁷ A dependent enrolled part time shall receive a reduced award by either one-half or three-fourths of the maximum award, depending on the level of fees assessed.⁸ The DOE must, if funds are insufficient to award all eligible applicants, prorate awards.⁹

In addition, the DOE must notify students and institutions of the student's award eligibility.¹⁰

Contingent upon funding through the General Appropriations Act, the award is available to:

- Children or spouses of deceased or severely disabled veterans or servicemembers if the child's parents have been residents of the state for 1 year immediately preceding the death or disability of the servicemember;¹¹
- Children of prisoners of war or persons missing in action if the child's parents had been residents of the state for 1 year;¹²

¹ Section 1009.21(1), F.S.

² Section 1009.21(1)(a), F.S.

³ Florida Dep't of Veterans Affairs, *Children and Spouses of Deceased or Disabled Veterans (CSDDV) Scholarship Program*, PowerPoint, available at <https://floridavets.org/wp-content/uploads/2020/11/FDVA-CSDDV-Slides-004.pdf> (last visited Mar. 23, 2023).

⁴ Section 250.01(4), F.S.

⁵ Section 295.04(3)(a), F.S.

⁶ Section 295.02(1), F.S.

⁷ Section 295.04(3)(b), F.S.

⁸ Fla. Admin Code R 6A-20.019(6) (2008), available at <https://www.flrules.org/gateway/ruleno.asp?id=6A-20.019&Section=0> (last visited Mar. 24, 2023).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Section 295.01, F.S.; ch. 20966, s. 1, Laws of Fla.

¹² Section 295.015, F.S.; ch. 72-346, s. 2, Laws of Fla.

- Children of servicemembers who died or became disabled in Operation Eagle Claw¹³
- Children of servicemembers who died or became disabled in the Lebanon and Grenada military arenas;¹⁴
- Children of servicemembers who died in the Newfoundland air tragedy;¹⁵
- Children of deceased or disabled military personnel who died or became disabled in Operation Enduring Freedom or Operation Iraqi Freedom;¹⁶
- Children of servicemembers who died in U.S.S. Stark Attack;¹⁷ and
- Children of servicemembers who died or became disabled in the Mideast Persian Gulf military arena during hostilities with Iraq or in the military action in Panama known as Operation Just Cause.¹⁸

CSDDV Historical Participation and Funding

Fiscal Year	Participants	Total Disbursed (millions)
2020-21	2,301	\$ 9.6 ¹⁹
2021-22	2,756	\$ 11.4 ²⁰
2022-23	3,376	\$ 13.5 ²¹
2023-24 (Estimate)	3,897 ²²	To Be Determined

Defense Enrollment Eligibility Reporting System

The DEERS database, maintained by the United States Department of Defense (DoD) provides personal information on each active duty or former servicemember, a member of a reserve component, a DoD contractor, or a person otherwise connected to the military and their family

¹³ Section 295.016, F.S.; ch. 81-275, s. 1, Laws of Fla.

¹⁴ Section 295.017, F.S.; ch. 86-177, s. 1, Laws of Fla.

¹⁵ Section 295.018, F.S.; ch. 86-177, s. 2, Laws of Fla.

¹⁶ Section 295.0185, F.S.; ch. 2002-279, s.1, Laws of Fla.

¹⁷ Section 295.019, F.S.; ch. 88-290, s. 32, Laws of Fla.

¹⁸ Section 295.0195, F.S.; ch. 91-166, s. 2, Laws of Fla.

¹⁹ Florida Dep't of Education, Office of Student Financial Assistance, *End of Year Report 2020-21, Scholarships for Children/Spouses of Deceased or Disabled Veterans (CSDDV)*, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/CSDDV_2020_2021.pdf (last visited Mar. 24, 2023).

²⁰ Florida Dep't of Education, Office of Student Financial Assistance, *End of Year Report 2021-22, Scholarships for Children/Spouses of Deceased or Disabled Veterans (CSDDV)*, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/CSDDV_2021_2022.pdf (last visited Mar. 24, 2023).

²¹ Office of Economic and Demographic Research, Florida Legislature, *Education Estimating Conference on Student Financial Aid, Executive Summary* (Feb. 17, 2023), available at <http://edr.state.fl.us/Content/conferences/financialaid/ExecSummary.pdf> (last visited Mar. 24, 2023). Line 66, 2022-2023 GAA.

²² Office of Economic and Demographic Research, Florida Legislature, *Education Estimating Conference on Student Financial Aid, Executive Summary* (Feb. 17, 2023), available at <http://edr.state.fl.us/Content/conferences/financialaid/ExecSummary.pdf> (last visited Mar. 24, 2023).

members.²³ Information maintained on DEERS includes name, gender, date of birth, social security number, names of family members, and official home of record.²⁴

The ability to change your home of record in DEERS is very limited. In most cases, individuals will not be allowed to change their home of record. However, a change is allowed if:

- The home of record was originally recorded incorrectly; or
- A servicemember is reinstated, reappointed, or reenlisted if there is a break in service of more than 1 full day.²⁵

If the home of record was originally recorded incorrectly, a change can be authorized. The individual must provide supporting documentation to justify the change, and in every case the burden is on the individual to justify a change to the home of record to file.²⁶

State of Legal Residence vs. Home of Record

A servicemember's home of record in DEERS is the place from which he or she entered the military. It is not necessarily where the servicemember says he or she is from. For example, if a servicemember is from Maryland, but went to college in Florida and entered the military in Florida, then Florida would be the home of record. Home of records don't change unless information was entered incorrectly, or a servicemember leaves the military and then rejoins with a break in service. Homes of record are used for certain travel allowances, particularly when leaving military service.²⁷

A state of legal residence, or domicile or legal domicile, is the place where the servicemember thinks of as home, the state where he or she intends to live after leaving the military. A state of legal residence may change throughout a servicemember's life.

Effect of Proposed Changes:

CS/SB 550 defines the terms "Armed Forces" and "servicemember" to have the same meaning as provided in s. 250.01, F.S.²⁸

In addition, the bill changes a requirement for qualification of certain educational benefits provided to a dependent child or spouse of a disabled or deceased servicemember through the

²³ Dep't of Defense, Defense Manpower Data Center, *About DEERS*, available at https://milconnect.dmdc.osd.mil/milconnect/public/faq/DEERS-About_DEERS (last visited Mar. 23, 2023).

²⁴ Dep't of Defense, Defense Manpower Data Center, *Updating and Correcting DEERS Data*, available at https://milconnect.dmdc.osd.mil/milconnect/public/faq/DEERS-Updating_and_Correcting_DEERS_Data (last visited Mar. 24, 2023).

²⁵ 7th Army Training Command, *7th Army Training Command Legal Assistance Information – Home of Record Change*, available at https://www.7atc.army.mil/Portals/17/Documents/SJA/Home_of_Record_Change_NEW.pdf (last visited Mar. 24, 2023).

²⁶ *Id.*

²⁷ Military.com, *Residence vs. Home of Record*, available at <https://www.military.com/paycheck-chronicles/2015/02/27/residence-vs-home-record> (last visited Mar. 24, 2023).

²⁸ Armed forces means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard. Servicemember means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

CSDDV scholarship program and expands availability of this benefit to include family of a member of the Florida National Guard or the United States Reserve Forces.

The bill shortens the requirement of a 1-year residency in some provisions, and imposes additional factors. These factors are that for at least 6 months Florida was listed as the servicemember's official home of record in the DEERS database immediately preceding the death of a servicemember, or that the child or spouse qualifies as a RFTP. For a disabled servicemember, Florida must have been the home of record in DEERS for at least 6 months, and if the child qualifies as a RFTP, the servicemember must have been a resident for at least six months. Qualifying as a RFTP means that the child or spouse is a dependent for purposes of tax filings as is the basis for residency for tuition purposes.

For a dependent child of a servicemember who is a prisoner of war or missing in action, the servicemember's home of record in DEERS must have been Florida for at least 6 months or if the child qualifies as a RFTP, the servicemember must have been a resident of this state for at least 6 months.

For a dependent child of a servicemember who died or was disabled during Operation Eagle Claw, Florida must have been listed in DEERS as the servicemember's official home of record on April 25, 1980, or the dependent child must qualify as a RFTP and the servicemember, if living, for at least 6 months is a resident of this state.

For a dependent child of a servicemember who died or was disabled during Operation Urgent Fury, Operation Enduring Freedom, Operation Iraqi Freedom, Operation Desert Shield, or Operation Just Cause, Florida must have been listed in DEERS as the servicemember's official home of record during the period of military action, or the dependent child must qualify as a RFTP and the servicemember, if living, for at least 6 months is a resident of this state.

The bill takes effect July 1, 2023.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

In changing the requirements for qualification for the CSDDV and expanding the program to include a servicemember of the Florida National Guard or the United States Reserve Forces, additional dependents and spouses may be eligible for the CSDDV.

C. Government Sector Impact:

Any potential increase in applicants as a result of the revised qualification requirements to the CSDDV under this bill is unknown. The bill may have an indeterminate negative fiscal impact to the DOE should the number of applicants increase; however, the DOE must, if appropriated funds are insufficient to award all eligible applicants, prorate awards.²⁹

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.01, 295.015, 295.016, 295.017, 295.0185, 295.0195, and 295.02.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on March 29, 2023:

The committee substitute:

- Adds the following conditions for the educational benefit:

²⁹ Fla. Admin Code R 6A-20.019(7) (2008), available at <https://www.flrules.org/gateway/ruleno.asp?id=6A-20.019&Section=0> (last visited Mar. 24, 2023).

- For a dependent child or spouse of a deceased servicemember, adds the time requirement that Florida was listed as the servicemember's home of record in DEERS for at least 6 months and for a disabled servicemember, adds either the time requirement in DEERS of at least 6 months, or if the child qualifies as a Resident for Tuition Purposes, that the servicemember is a Florida resident for at least 6 months.
- For a dependent child of a servicemember who is a prisoner of war or missing, adds either the DEERS 6 month time requirement or that if the child qualifies as a RFTP, the servicemember has been a Florida resident for at least 6 months.
- For the educational benefit for a dependent child of a servicemember who died or was disabled during Operation Urgent Fury, Operation Enduring Freedom, Operation Iraqi Freedom, Operation Desert Shield, or Operation Just Cause, adds the time requirement that if the dependent child qualifies as a RFTP, the servicemember, if living must have been a resident of the state for at least 6 months.
- Provides a technical change in defining the terms "Armed Forces" and "servicemember" pursuant to s. 250.01, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 27 - 311
and insert:

(1) As used in this section, the terms "Armed Forces" and "servicemember" shall have the same meanings as provided in s. 250.01.

(2) (a) ~~(1)~~ It is the policy of the state to provide educational opportunity at state expense for a dependent child, as defined in s. 1009.21(1), of a servicemember who children



756988

~~either of whose parents entered the Armed Forces and:~~

~~1.(a) Died as a result of service-connected injuries, disease, or disability sustained while on active duty; or~~

~~2.(b) Has been:~~

~~a.1. Determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent total and permanent disability rating for compensation;~~

~~b.2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Forces Services; or~~

~~c.3. Issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17~~

~~when the parents of such children have been residents of the state for 1 year immediately preceding the death or the occurrence of such disability, and subject to the rules, restrictions, and limitations set forth in this section.~~

(b) The dependent child of a deceased servicemember is eligible for educational benefits under this section if:

1. Immediately preceding the death of the servicemember, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database for at least 6 months; or

2. The child qualifies as a resident for tuition purposes under s. 1009.21.

(c) The dependent child of a disabled servicemember is eligible for educational benefits under this section if:

1. Immediately preceding the occurrence of the



756988

servicemember's disability, Florida was listed as the
servicemember's official home of record in the Defense
Enrollment Eligibility Reporting System (DEERS) database for at
least 6 months; or

2. The child qualifies as a resident for tuition purposes
under s. 1009.21 and the servicemember has been a resident of
this state for at least 6 months.

All rules, restrictions, and limitations set forth in this
section shall apply.

(3)(2) It is also the ~~declared~~ policy of the ~~this~~ state to
provide educational opportunity at state expense for spouses of
deceased or disabled servicemembers.

(a) The unremarried spouse of a deceased servicemember is
eligible for educational, ~~as defined in s. 250.01, qualifies for~~
~~the benefits under this section.~~

~~1. If the servicemember and his or her spouse had been~~
~~residents of the state for 1 year immediately preceding the~~
~~servicemember's death and the servicemember's death occurred~~
~~under the circumstances provided in subsection (1); and~~

~~2.~~ if the unremarried spouse applies to use the benefit
within 5 years after the servicemember's death and:

1. Immediately preceding the servicemember's death, Florida
was listed as the servicemember's official home of record in the
Defense Enrollment Eligibility Reporting System (DEERS) database
for at least 6 months; or

2. The spouse qualifies as a resident for tuition purposes
under s. 1009.21.

(b) The dependent spouse of a disabled servicemember is



756988

eligible for educational, ~~as defined in s. 250.01, qualifies for~~
~~the~~ benefits under this section:

~~1. if the servicemember and his or her spouse have been~~
~~married to each other for 1 year; and;~~

~~1.2. If the servicemember and his or her spouse have been~~
~~residents of the state for 1 year~~ Immediately preceding the
occurrence of the servicemember's disability, Florida was listed
as the servicemember's official home of record in the Defense
Enrollment Eligibility Reporting System (DEERS) database for at
least 6 months; or

2. The spouse qualifies as a resident for tuition purposes
under s. 1009.21 and the servicemember has been a resident of
this state for at least 6 months. ~~and the disability meets the~~
~~criteria set forth in subsection (1); and~~

~~(c)3.~~ The eligibility for educational benefits under
paragraph (b) applies only during the duration of the marriage
and up to the point of termination of the marriage by
dissolution or annulment.

All rules, restrictions, and limitations set forth in this
section shall apply.

~~(4)(3)~~ Sections 295.03-295.05 and 1009.40 shall apply.

~~(5)(4)~~ The State Board of Education shall adopt rules for
administering this section.

~~(6)(5)~~ A child or spouse of a servicemember may receive
benefits under either this section or s. 295.061.

Section 2. Section 295.015, Florida Statutes, is amended to
read:

295.015 Children of prisoners of war and persons missing in



756988

action; education.—

(1) It is ~~hereby declared to be~~ the policy of the state to provide educational opportunity at state expense for a dependent child of a parent who ~~children either of whose parents~~ has been classified as a prisoner of war or missing in action in the service of the United States Armed Forces ~~of the United States~~ or in the capacity of civilian personnel captured while serving with the consent or authorization of the United States Government. Such educational opportunity shall be provided until such time as the parent so classified is returned alive or the parent's remains are recovered.

(2) A dependent child is eligible for educational benefits under this section if:

(a) Immediately; provided that, in order to be eligible,
~~the parents of such children must have been residents of the~~
~~state for 1 year~~ preceding the event that led to the parent's classification as a prisoner of war or missing in action by the United States Government, Florida was listed as the parent's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database for at least 6 months; or

(b) The child qualifies as a resident for tuition purposes under s. 1009.21 and the parent has been a resident of this state for at least 6 months.

~~(3)(2) Sections 295.03-295.05~~ The provisions of ss. 295.03-
~~295.05~~ and 1009.40 shall apply.

Section 3. Section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemembers who died or became disabled in Operation Eagle Claw; education.—



756988

(1) It is ~~the hereby declared to be~~ a policy of the state to provide educational opportunity at state expense for ~~a the~~ dependent child ~~children~~ of ~~a any~~ servicemember who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Forces Services, while participating in the Iranian rescue mission known as Operation Eagle Claw, ~~which servicemember was residing in the state on April 25, 1980.~~

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs in accordance with s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces ~~is Services shall be~~ prima facie evidence ~~of the fact~~ that the dependent child ~~children~~ of the servicemember is ~~are~~ eligible for educational ~~such~~ benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. On April 25, 1980, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or



756988

156 2. The child qualifies as a resident for tuition purposes
157 under s. 1009.21 and the servicemember, if living, has been a
158 resident of this state for at least 6 months.

159 (2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-~~
160 ~~295.05~~ and 1009.40 shall apply.

161 Section 4. Section 295.017, Florida Statutes, is amended to
162 read:

163 295.017 Children of servicemembers who died or became
164 disabled in the Lebanon and Grenada military arenas; education
165 ~~educational opportunity.~~

166 (1) It is ~~hereby declared to be~~ the policy of the state to
167 provide educational opportunity at state expense for a ~~the~~
168 dependent child ~~children~~ of a ~~any~~ servicemember who died or
169 suffered a service-connected 100-percent total and permanent
170 disability rating for compensation as determined by the United
171 States Department of Veterans Affairs, or who has been
172 determined to have a service-connected total and permanent
173 disability rating of 100 percent and is in receipt of disability
174 retirement pay from any branch of the United States Armed Forces
175 ~~Services~~, while participating in a Multinational Peace Keeping
176 Force in Lebanon ~~during the period~~ from September 17, 1982,
177 through February 3, 1984, inclusive, or while participating ~~as a~~
178 ~~participant~~ in Operation Urgent Fury in Grenada ~~during the~~
179 ~~period~~ from October 23, 1983, through November 2, 1983,
180 inclusive, ~~which servicemember was residing in the state during~~
181 ~~those periods of military action.~~

182 (a) A certified copy of a death certificate, a valid
183 identification card issued by the Department of Veterans'
184 Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter



756988

certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces is ~~Services shall be~~ prima facie evidence ~~of the fact~~ that the dependent child ~~children~~ of the servicemember is ~~are~~ eligible for educational ~~such~~ benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. During either period of military action, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or

2. The child qualifies as a resident for tuition purposes under s. 1009.21 and the servicemember, if living, has been a resident of this state for at least 6 months.

(2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-295.05~~ and 1009.40 shall apply.

Section 5. Section 295.0185, Florida Statutes, is amended to read:

295.0185 Children of servicemembers who died or became ~~deceased or disabled military personnel who die or become~~ disabled in Operation Enduring Freedom or Operation Iraqi Freedom; education ~~educational opportunity~~.

(1) It is ~~declared to be~~ the policy of the state to provide educational opportunity at state expense for a ~~the~~ dependent child ~~children~~ of a servicemember who died or suffered ~~those~~



756988

~~military personnel who die or suffer a service-connected 100-~~
~~percent total and permanent disability rating for compensation~~
~~as determined by the United States Department of Veterans~~
~~Affairs, or who has been ~~are~~ determined to have a service-~~
~~connected total and permanent disability rating of 100 percent~~
~~and is ~~are~~ in receipt of disability retirement pay from any~~
~~branch of the United States Armed Forces ~~Services~~, while~~
~~participating in Operation Enduring Freedom, which began on~~
~~October 7, 2001, or while participating in Operation Iraqi~~
~~Freedom, which began on March 19, 2003, ~~if such military~~~~
~~personnel have been residents of the state during the period of~~
~~military action.~~

(a) A certified copy of a death certificate, a valid
identification card issued by the Department of Veterans'
Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
certifying the service-connected 100-percent total and permanent
disability rating for compensation from the United States
Department of Veterans Affairs, or a letter certifying the
service-connected total and permanent disability rating of 100
percent for retirement pay from any branch of the United States
Armed Forces ~~Services~~ is prima facie evidence that the dependent
child ~~children~~ of such servicemember is ~~military personnel are~~
eligible for educational benefits.

(b) In addition to the requirement provided in paragraph
(a), a dependent child is eligible for educational benefits
under this section if:

1. During either period of military action, Florida was
listed as the servicemember's official home of record in the
Defense Enrollment Eligibility Reporting System (DEERS)



756988

243 database; or

244 2. The dependent child qualifies as a resident for tuition
245 purposes under s. 1009.21 and the servicemember, if living, has
246 been a resident of this state for at least 6 months.

247 (2) Sections 295.03-295.05 and 1009.40 shall apply.

248 Section 6. Section 295.0195, Florida Statutes, is amended
249 to read:

250 295.0195 Children of servicemembers ~~deceased or disabled~~
251 ~~military personnel~~ who died or became disabled in the Mideast
252 Persian Gulf military arena during hostilities with Iraq or in
253 the military action in Panama known as Operation Just Cause;
254 education.—

255 (1) It is ~~hereby declared to be~~ the policy of the state to
256 provide educational opportunity at state expense for a the
257 dependent child ~~children~~ of a servicemember ~~those military~~
258 ~~personnel~~ who died or suffered a service-connected 100-percent
259 total and permanent disability rating for compensation as
260 determined by the United States Department of Veterans Affairs,
261 or who has ~~have~~ been determined to have a service-connected
262 total and permanent disability rating of 100 percent and is ~~are~~
263 in receipt of disability retirement pay from any branch of the
264 United States Armed Forces, while participating in the Mideast
265 Persian Gulf arena during hostilities with Iraq, which began as
266 Operation Desert Shield on August 5, 1990, through cessation of
267 those hostilities, inclusive, or while participating in the
268 military action in Panama known as Operation Just Cause during
269 December 1989, ~~if such military personnel were residents of the~~
270 ~~state during the period of military action.~~

271 (a) A certified copy of a death certificate, a valid



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identification card issued by the Department of Veterans'
Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter
certifying the service-connected 100-percent total and permanent
disability rating for compensation from the United States
Department of Veterans Affairs, or a letter certifying the
service-connected total and permanent disability rating of 100
percent for retirement pay from any branch of the United States
Armed Forces is ~~shall be~~ prima facie evidence ~~of the fact~~ that
the dependent child ~~children~~ of such servicemember ~~is~~ military
~~personnel are~~ eligible for educational benefits.

(b) In addition to the requirement provided in paragraph
(a), a dependent child is eligible for educational benefits
under this section if:

1. During either period of military action, Florida was
listed as the servicemember's official home of record in the
Defense Enrollment Eligibility Reporting System (DEERS)
database; or

2. The child qualifies as a resident for tuition purposes
under s. 1009.21 and the servicemember, if living, has been a
resident of this state for at least 6 months.

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

And the title is amended as follows:

Delete line 5

and insert:

defining terms; revising

By Senator Burgess

23-00978-23

2023550__

1 A bill to be entitled
 2 An act relating to education of dependents of deceased
 3 or disabled servicemembers, prisoners of war, and
 4 persons missing in action; amending s. 295.01, F.S.;
 5 defining the term "servicemember"; revising
 6 eligibility requirements for educational benefits
 7 provided by the state to a spouse or dependent child
 8 of a deceased or disabled servicemember; amending s.
 9 295.015, F.S.; revising eligibility requirements for
 10 educational benefits provided by the state to a
 11 dependent child of a prisoner of war or a person
 12 missing in action; amending ss. 295.016, 295.017,
 13 295.0185, and 295.0195, F.S.; revising eligibility
 14 requirements for educational benefits provided by the
 15 state to a dependent child of a deceased or disabled
 16 servicemember who participated in certain military
 17 operations; amending s. 295.02, F.S.; conforming
 18 cross-references; providing an effective date.
 19
 20 Be It Enacted by the Legislature of the State of Florida:
 21
 22 Section 1. Section 295.01, Florida Statutes, is amended to
 23 read:
 24 295.01 ~~Children of deceased or disabled veterans;~~ Spouses
 25 and dependent children of deceased or disabled servicemembers;
 26 education.-
 27 (1) As used in this section, the term "servicemember" means
 28 a person serving as a member of the United States Armed Forces
 29 on active duty or state active duty and all members of the

Page 1 of 12

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

23-00978-23

2023550__

30 Florida National Guard and United States Reserve Forces.
 31 (2) (a) ~~(1)~~ It is the policy of the state to provide
 32 educational opportunity at state expense for a dependent child,
 33 as defined in s. 1009.21(1), of a servicemember who children
 34 ~~either of whose parents entered the Armed Forces and:~~
 35 1. ~~(a)~~ Died as a result of service-connected injuries,
 36 disease, or disability sustained while on active duty; or
 37 2. ~~(b)~~ Has been:
 38 a. ~~1-~~ Determined by the United States Department of Veterans
 39 Affairs or its predecessor to have a service-connected 100-
 40 percent total and permanent disability rating for compensation;
 41 b. ~~2-~~ Determined to have a service-connected total and
 42 permanent disability rating of 100 percent and is in receipt of
 43 disability retirement pay from any branch of the United States
 44 Armed Forces Services; or
 45 c. ~~3-~~ Issued a valid identification card by the Department
 46 of Veterans' Affairs in accordance with s. 295.17,
 47
 48 ~~when the parents of such children have been residents of the~~
 49 ~~state for 1 year immediately preceding the death or the~~
 50 ~~occurrence of such disability, and subject to the rules,~~
 51 ~~restrictions, and limitations set forth in this section.~~
 52 (b) The dependent child of a deceased servicemember is
 53 eligible for educational benefits under this section if:
 54 1. Immediately preceding the death of the servicemember,
 55 Florida was listed as the servicemember's official home of
 56 record in the Defense Enrollment Eligibility Reporting System
 57 (DEERS) database; or
 58 2. The child qualifies as a resident for tuition purposes

Page 2 of 12

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

23-00978-23

2023550

59 under s. 1009.21.

60 (c) The dependent child of a disabled servicemember is
 61 eligible for educational benefits under this section if:

62 1. Immediately preceding the occurrence of the
 63 servicemember's disability, Florida was listed as the
 64 servicemember's official home of record in the Defense
 65 Enrollment Eligibility Reporting System (DEERS) database; or
 66 2. The child qualifies as a resident for tuition purposes
 67 under s. 1009.21 and the servicemember is a resident of this
 68 state.

69
 70 All rules, restrictions, and limitations set forth in this
 71 section shall apply.

72 (3)(2) It is also the declared policy of the this state to
 73 provide educational opportunity at state expense for spouses of
 74 deceased or disabled servicemembers.

75 (a) The unremarried spouse of a deceased servicemember is
 76 eligible for educational, as defined in s. 250.01, qualifies for
 77 the benefits under this section if:

78 1. If the servicemember and his or her spouse had been
 79 residents of the state for 1 year immediately preceding the
 80 servicemember's death and the servicemember's death occurred
 81 under the circumstances provided in subsection (1); and

82 2. If the unremarried spouse applies to use the benefit
 83 within 5 years after the servicemember's death and:

84 1. Immediately preceding the servicemember's death, Florida
 85 was listed as the servicemember's official home of record in the
 86 Defense Enrollment Eligibility Reporting System (DEERS)
 87 database; or

23-00978-23

2023550

88 2. The spouse qualifies as a resident for tuition purposes
 89 under s. 1009.21.

90 (b) The dependent spouse of a disabled servicemember is
 91 eligible for educational, as defined in s. 250.01, qualifies for
 92 the benefits under this section:

93 1. if the servicemember and his or her spouse have been
 94 married to each other for 1 year; and:

95 1.2. If the servicemember and his or her spouse have been
 96 residents of the state for 1 year immediately preceding the
 97 occurrence of the servicemember's disability, Florida was listed
 98 as the servicemember's official home of record in the Defense
 99 Enrollment Eligibility Reporting System (DEERS) database; or

100 2. The spouse qualifies as a resident for tuition purposes
 101 under s. 1009.21 and the servicemember is a resident of this
 102 state. and the disability meets the criteria set forth in
 103 subsection (1); and

104 (c)3. The eligibility for educational benefits under
 105 paragraph (b) applies only during the duration of the marriage
 106 and up to the point of termination of the marriage by
 107 dissolution or annulment.

108
 109 All rules, restrictions, and limitations set forth in this
 110 section shall apply.

111 (4)(3) Sections 295.03-295.05 and 1009.40 shall apply.

112 (5)(4) The State Board of Education shall adopt rules for
 113 administering this section.

114 (6)(5) A child or spouse of a servicemember may receive
 115 benefits under either this section or s. 295.061.

116 Section 2. Section 295.015, Florida Statutes, is amended to

23-00978-23

2023550__

read:

295.015 Children of prisoners of war and persons missing in action; education.-

(1) It is ~~hereby declared to be~~ the policy of the state to provide educational opportunity at state expense for a dependent child of a parent who children either of whose parents has been classified as a prisoner of war or missing in action in the service of the United States Armed Forces ~~of the United States~~ or in the capacity of civilian personnel captured while serving with the consent or authorization of the United States Government. Such educational opportunity shall be provided until such time as the parent so classified is returned alive or the parent's remains are recovered.

(2) A dependent child is eligible for educational benefits under this section if:

(a) Immediately, provided that, in order to be eligible, the parents of such children must have been residents of the state for 1 year preceding the event that led to the parent's classification as a prisoner of war or missing in action by the United States Government, Florida was listed as the parent's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or

(b) The child qualifies as a resident for tuition purposes under s. 1009.21 and the parent is a resident of this state.

(3)(2) Sections 295.03-295.05 ~~The provisions of ss. 295.03-295.05~~ and 1009.40 shall apply.

Section 3. Section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemembers who died or became

23-00978-23

2023550__

disabled in Operation Eagle Claw; education.-

(1) It is ~~the hereby declared to be~~ a policy of the state to provide educational opportunity at state expense for ~~a the~~ dependent child children of ~~a any~~ servicemember who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Forces Services, while participating in the Iranian rescue mission known as Operation Eagle Claw, ~~which servicemember was residing in the state on April 25, 1980.~~

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs in accordance with s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces is Services shall be prima facie evidence ~~of the fact~~ that the dependent child children of the servicemember is are eligible for educational ~~such~~ benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. On April 25, 1980, Florida was listed as the servicemember's official home of record in the Defense

23-00978-23

2023550

Enrollment Eligibility Reporting System (DEERS) database; or

2. The child qualifies as a resident for tuition purposes under s. 1009.21 and the servicemember, if living, is a resident of this state.

(2) ~~Sections 295.03-295.05~~ The provisions of ~~ss. 295.03-295.05~~ and 1009.40 shall apply.

Section 4. Section 295.017, Florida Statutes, is amended to read:

295.017 Children of servicemembers who died or became disabled in the Lebanon and Grenada military arenas; education ~~educational opportunity.~~

(1) It is ~~hereby declared to be~~ the policy of the state to provide educational opportunity at state expense for ~~a the~~ dependent child children of ~~a any~~ servicemember who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Forces ~~Services~~, while participating in a Multinational Peace Keeping Force in Lebanon ~~during the period~~ from September 17, 1982, through February 3, 1984, inclusive, or while participating as a ~~participant~~ in Operation Urgent Fury in Grenada ~~during the period~~ from October 23, 1983, through November 2, 1983, inclusive, ~~which servicemember was residing in the state during those periods of military action.~~

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans'

23-00978-23

2023550

Affairs in accordance with ~~the provisions of~~ s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces ~~is Services shall be~~ prima facie evidence ~~of the~~ fact that the dependent child children of the servicemember is ~~are~~ eligible for educational ~~such~~ benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. During either period of military action, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or

2. The child qualifies as a resident for tuition purposes under s. 1009.21 and the servicemember, if living, is a resident of this state.

(2) ~~Sections 295.03-295.05~~ The provisions of ~~ss. 295.03-295.05~~ and 1009.40 shall apply.

Section 5. Section 295.0185, Florida Statutes, is amended to read:

295.0185 Children of servicemembers who died or became ~~deceased or disabled military personnel who die or become~~ disabled in Operation Enduring Freedom or Operation Iraqi Freedom; education ~~educational opportunity.~~

(1) It is ~~declared to be~~ the policy of the state to provide educational opportunity at state expense for a the dependent

23-00978-23

2023550

~~child children of a servicemember who died or suffered those military personnel who die or suffer a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who has been are determined to have a service-connected total and permanent disability rating of 100 percent and is are in receipt of disability retirement pay from any branch of the United States Armed Forces Services, while participating in Operation Enduring Freedom, which began on October 7, 2001, or while participating in Operation Iraqi Freedom, which began on March 19, 2003, if such military personnel have been residents of the state during the period of military action.~~

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces Services is prima facie evidence that the dependent child children of such servicemember is military personnel are eligible for educational benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. During either period of military action, Florida was listed as the servicemember's official home of record in the

23-00978-23

2023550

Defense Enrollment Eligibility Reporting System (DEERS) database; or

2. The dependent child qualifies as a resident for tuition purposes under s. 1009.21 and the servicemember, if living, is a resident of this state.

(2) Sections 295.03-295.05 and 1009.40 shall apply.

Section 6. Section 295.0195, Florida Statutes, is amended to read:

295.0195 Children of servicemembers deceased or disabled military personnel who died or became disabled in the Mideast Persian Gulf military arena during hostilities with Iraq or in the military action in Panama known as Operation Just Cause; education.-

(1) It is ~~hereby declared to be~~ the policy of the state to provide educational opportunity at state expense for a the dependent child children of a servicemember those military personnel who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the United States Department of Veterans Affairs, or who ~~has have~~ been determined to have a service-connected total and permanent disability rating of 100 percent and ~~is are~~ in receipt of disability retirement pay from any branch of the United States Armed Forces, while participating in the Mideast Persian Gulf arena during hostilities with Iraq, which began as Operation Desert Shield on August 5, 1990, through cessation of those hostilities, inclusive, or while participating in the military action in Panama known as Operation Just Cause during December 1989, ~~if such military personnel were residents of the state during the period of military action.~~

23-00978-23

2023550

(a) A certified copy of a death certificate, a valid identification card issued by the Department of Veterans' Affairs in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the United States Department of Veterans Affairs, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Forces is shall be prima facie evidence of the fact that the dependent child children of such servicemember is military personnel are eligible for educational benefits.

(b) In addition to the requirement provided in paragraph (a), a dependent child is eligible for educational benefits under this section if:

1. During either period of military action, Florida was listed as the servicemember's official home of record in the Defense Enrollment Eligibility Reporting System (DEERS) database; or

2. The child qualifies as a resident for tuition purposes under s. 1009.21 and the servicemember, if living, is a resident of this state.

(2) ~~Sections 295.03-295.05~~ The provisions of ~~ss. 295.03-295.05~~ and 1009.40 shall apply.

Section 7. Subsections (1) and (2) of section 295.02, Florida Statutes, are amended to read:

295.02 Use of funds; age, etc.—

(1) Sums appropriated and expended to carry out the provisions of s. 295.01(2) ~~s. 295.01(1)~~ may be used to pay tuition and registration fees, board, and room rent and to buy

23-00978-23

2023550

books and supplies for the children of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, s. 295.016, s. 295.017, s. 295.018, s. 295.0185, s. 295.019, or s. 295.0195, or of parents classified as prisoners of war or missing in action, as defined and limited in s. 295.015, who are between the ages of 16 and 22 years and who are in attendance at an eligible postsecondary education institution as defined in s. 295.04. Any child having entered upon a course of training or education under the provisions of this chapter, consisting of a course of not more than 4 years, and arriving at the age of 22 years before the completion of such course may continue the course and receive all benefits of the provisions of this chapter until the course is completed.

(2) Sums appropriated and expended to carry out the provisions of s. 295.01(3) ~~s. 295.01(2)~~ may be used to pay tuition and registration fees, board, and room rent and to buy books and supplies for the spouses of deceased or disabled veterans or servicemembers, as defined and limited in s. 295.01, who are enrolled at an eligible postsecondary education institution as defined in s. 295.04.

Section 8. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: February 16, 2023

I respectfully request that **Senate Bill #550**, relating to Education of Dependents of Deceased or Disabled Servicemembers, Prisoners of War, and Persons Missing in Action, be placed on the:

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

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

Senator Danny Burgess
Florida Senate, District 23

3/29/2023

The Florida Senate

APPEARANCE RECORD

SB 0550

Meeting Date

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Bob ASZTALOS

Phone

(850) 407-1533

Address

400 S. MONROE St. the Capitol 2105

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Street

TALLAHASSEE

FL

32399

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

FDVA

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 824

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

SUBJECT: Veterans' Services and Recognition

DATE: March 29, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AHS</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 824 establishes the Division of Long-term Care in the Department of Veterans' Affairs (department) and creates the Veterans' Adult Day Health Care of Florida Act to provide uniform basic standards for the operation of veterans' adult day health care programs for eligible veterans in need of services. The act provides:

- For appointment of an operator by the Executive Director (director) of the department;
- Eligibility requirements for a veteran to participate in the program;
- Priority order for admission and authorizes a self-paying veteran to participate;
- That the program is subject to audit or inspection by the Auditor General or the Office of Program Policy Analysis and Government Accountability; and
- That unless the state's standards are more restrictive, the standards to be applied by the department to regulate program operations are those prescribed by the United States Department of Veterans Affairs (VA).

The bill also designates the week of November 11 as Veterans Week. The Governor may annually issue a proclamation designating Veterans Week. The bill encourages public officials, schools, private organizations, and all residents to commemorate the week, honoring those who served in times of war and peace.

In addition, the bill revises the requirements for employment as a veteran service officer to allow a veteran who served in the active military, naval, or air service and was discharged or released under honorable conditions, or later received an upgraded honorable discharge to qualify.

The bill may have an indeterminate negative fiscal impact on the department. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Definition of a Veteran

A veteran, as referenced in the bill, is a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions.¹

Department of Veterans' Affairs

The department is the state point of entry for Florida's 1.5 million veterans, the nation's third largest veteran population.² The department provides statewide outreach to connect veterans with earned federal and state services, benefits, and support.³ The department also operates nine state veterans' homes, one of which is an assisted living facility, and the others nursing homes.⁴

The department oversees and operates the following:

- The Division of Administration and Public Information and its Bureau of Information and Research; and
- The Division of Veterans' Benefits and Assistance and the following bureaus within the division:
 - Bureau of Veteran Claims Services;
 - Bureau of Veteran Field Services; and
 - Bureau of State Approving for Veterans' Training.⁵

The department also provides veterans' claims examiners to assist veterans in securing earned services, benefits, and support. In 2022, veterans' claims examiners assisted more than 272,000 veterans. In addition, claims examiners have processed nearly 35,000 new claims on behalf of Florida veterans, and helped recover more than \$194 million in retroactive benefits for Florida veterans and their families.⁶

¹ Section 1.01(14), F.S.

² Fla. Dep't of Veterans' Affairs, Leadership, *Florida Department of Veterans' Affairs – Our Vision and Mission*, available at <https://www.floridavets.org/leadership/> (last visited Mar. 17, 2023).

³ *Id.*

⁴ *Id.* The assisted living facility, otherwise known as a state veterans' domiciliary home, is located in Lake City, Florida. The nursing homes are located in the cities of Daytona Beach, Land O'Lakes, Pembroke Pines, Panama City, Port Charlotte, St. Augustine, Port St. Lucie, and Orlando.

⁵ Section 20.37(2), F.S.

⁶ Florida Dep't of Veterans Affairs, *supra* note 2.

County and City Veteran Service Officers

Each board of county commissioners may approve the hiring of a county veteran service officer.⁷ Likewise, the governing body of a city may employ a city veteran service officer.⁸ To qualify, an applicant must be a veteran who:

- Served in the United States Armed Forces during a period of war;
- Served at least 18 months' active duty; and
- Was discharged under honorable conditions.⁹

A surviving spouse may instead be hired if the veteran spouse meets those qualifications.¹⁰

Alternate qualification for employment as a veteran service officer is available to an honorably discharged wartime veteran who:

- Was discharged for service-connected or aggravated medical reasons before serving 18 months of active duty;
- Completed a tour of duty other than active duty for training, regardless of the length of the tour; or
- Satisfied his or her military obligation in a manner other than active duty for training or reserve duty.¹¹

The applicant must additionally have a minimum of a 2-year degree from an accredited institute of higher education or a high school degree or its equivalent and 4 years of administrative experience.¹²

The department provides the training program for county and city veteran service officers,¹³ and every county or city veteran service officer must attend training and successfully complete a test administered by the department. In addition, the department establishes periodic training refresher courses, and completion of these courses is a condition of continuing employment.¹⁴

Adult Day Care Centers

Adult day care centers provide therapeutic services and activities for adults in a noninstitutional setting.¹⁵ Participants may utilize a variety of services offered during any part of a day totaling less than 24 hours.¹⁶ Basic services provided by adult day care centers include leisure activities, self-care training, nutritional services, and respite care.¹⁷ These facilities are licensed by the

⁷ Section 292.11(1), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 291.11(4), F.S.

¹⁴ *Id.*

¹⁵ Section 429.901(3), F.S.

¹⁶ *Id.* and s. 429.905(2), F.S.

¹⁷ Section 429.901(1) and (3), F.S.

Agency for Health Care Administration.¹⁸ However, facilities that operate under the federal government or any agency thereof are exempt from current state law on adult day care centers.¹⁹ The VA's Adult Day Health Care Program (Program) was established by the VA with the goal of allowing veterans to have a place during the day for social activities, peer support, companionship, and recreation.²⁰ The Program is intended for veterans who need help with activities of daily living, those who are isolated, or whose caregiver is experiencing burden.²¹ Health services such as care from nurses, therapists, social workers, and others may also be provided. The Program may be provided at VA medical centers, state Veterans Homes, or through community organizations.²² To receive a federal grant or grant funding for an adult day health care program, the state must meet the following specific federal requirements:

- If an adult day health care program is located within a nursing home, domiciliary, or other care facility, the adult health care program must have its own separate designated space during operational hours.
- The indoor space for the adult day health care program must be at least 100 sq. ft. per participant including office space for staff, and must be 60 sq. ft. per participant excluding office space for staff.
- Each program will need to design and partition its space to meet its own needs, but must make available certain federally mandated functional areas.²³
- Furnishings must be available for all participants, including functional furniture appropriate to the participants' needs.²⁴

Legal Holidays and Observances

Examples of legal holidays are New Year's Day (January 1), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Veterans' Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).²⁵

In addition to legal holidays, special observances are recognized and observed by the state. Special observance days include Law Enforcement Memorial Day²⁶, Arbor Day²⁷, and Law Day and Law Week²⁸.

III. Effect of Proposed Changes:

CS/SB 824 addresses veterans' services and recognition.

¹⁸ Section 429.903, F.S.

¹⁹ Section 429.905, F.S.

²⁰ U.S. Dep't. of Veterans Affairs, *Adult Day Health Care*, available at https://www.va.gov/geriatrics/pages/Adult_Day_Health_Care.asp (last visited Mar. 20, 2023).

²¹ *Id.*

²² *Id.*

²³ For the list of federally mandated functional areas, see 38 C.F.R. s. 59.160(c)(1)-(11).

²⁴ 38 C.F.R. s. 59.160.

²⁵ Section 683.01, F.S.

²⁶ Section 683.115, F.S.

²⁷ Section 683.04, F.S.

²⁸ Section 683.22, F.S.

Division of Long-term Care

The bill amends s. 20.37, F.S., to establish in the Department of Veterans' Affairs the Division of Long-term Care.

Veteran Service Officers

The bill amends s. 292.11, F.S., to revise the qualifications for employment as a city or county veteran service officer. Pursuant to the bill, a veteran can qualify as a veteran service officer if the veteran served in the active military, naval, or air service and was discharged or released under honorable conditions, or later received an upgraded discharge under honorable conditions.

The education requirement is unchanged.

Veterans' Adult Day Health Care of Florida Act

The bill creates ss. 296.42 through 296.49, F.S., to create the Veterans' Adult Day Health Care of Florida Act. The act's purpose is to provide uniform basic standards for the operation of veterans' adult day health care or adult day care programs for eligible veterans in need of services. A program is a licensed facility operated by the department as an adult day care center.

Eligibility of a Veteran

The department will determine the eligibility of applicants for admission. The program is available to a veteran as defined in s. 1.01(14), F.S., or a veteran who served in eligible peacetime service, and who must:

- Be in need of adult day health care;
- Be a resident of the state at the time of application;
- Not owe money to the department for services rendered during a previous stay at a department facility;
- Have applied for all financial assistance reasonably available through governmental resources; and
- Have been approved as eligible for care and treatment by the VA.

An operator may waive the residency requirement for an applicant in the limited circumstance that the veteran is a disaster evacuee of a state under a declared state of emergency and who otherwise qualifies.

Admittance priority must be given to eligible veterans in the following order:

- An eligible veteran who is a state resident.
- An eligible veteran who has a service-connected disability as determined by the VA, or who was discharged or released from service for a disability incurred or aggravated in the line of duty, and the disability is the basis for need of adult day health care.
- An eligible veteran who has a non-service-connected disability and is unable to defray the expense of adult day health care as provided under oath by a notary or other officer authorized to administer an oath.

If there is room, an operator may admit to the program an otherwise eligible veteran who has the funds to pay the full cost of his or her support services, with cost and method of collection to be periodically assessed by the operator.

Facility Administrator

The director of the department will appoint an operator, a contractor, or an administrator of a veterans' nursing home or assisted living facility serving as operator to oversee the program at an adult day care facility or adult day care center.

If a contractor is appointed, the contractor may be from an entity that is for profit or nonprofit.

The administrator of a veterans' nursing home or the veterans' domiciliary may serve as the operator if the facility is colocated at an existing veterans' nursing home or assisted living facility.

Employment

Unless the operator is assigned to a contractor, the position of operator is classified as Selected Exempt Service and employees of the program are state employees subject to classification by the department in state law.

Unless the operator is assigned to a contractor, the director shall give veterans preference in selecting an operator.

Nondiscrimination Policy

The program will admit state residents regardless of race, age, sex, creed, religion, national origin, or anything else that would create a practice of discrimination. However, consideration of an applicant's veteran status does not constitute discrimination.

Program Audit and Inspection

The program is subject at any time to audit and inspection by the Auditor General and the Office of Program Policy Analysis and Government Accountability, the department, and the VA, and any other audit or inspection required in law to maintain appropriate standards.

The standards that the department must use to regulate the operation of the program are those prescribed by the VA, unless the state's standards are more restrictive.

Rulemaking Authority

The department shall adopt rules necessary to properly administer the program, including rules for preservation of order and enforcement of discipline, which may include dismissal from the program, subject to approval by the director. Rules will conform as nearly as possible to rules and regulations for comparable facilities of the VA.

Veterans Week

The bill creates s. 683.1475, F.S., to designate the week of November 11 of each year as “Veterans Week”, with the week starting the Sunday before November 11. If November 11 falls on a Sunday, “Veterans Week” begins on that day. The Governor may annually issue a proclamation designating this week as Veterans Week. Public officials, schools, private organizations, and all residents are encouraged to commemorate the week and honor those who served in times of war and peace.

The bill takes effect July 1, 2023.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

A veteran may be able to stay at home longer, with the provision of long-term care and also access to an adult day care center. These services will give a family caretaker respite.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the department. The bill creates the Division of Long-term Care within the department, and establishes the Veterans’ Adult Day Health Care of Florida Act to provide veterans with adult day care

services. According to the department, the costs of staffing the new division can be absorbed within existing resources.²⁹

The adult day care services program is expected to be revenue generating but may require upfront funding to cover costs associated with renovations of existing homes and equipment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.37 and 292.11. This bill creates the following sections of the Florida Statutes: 296.42, 296.43, 296.44, 296.45, 296.46, 296.47, 296.48, 296.49, and 683.1475.

IX. Additional Information:

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute:

- Clarifies that a board of county commissioners and governing body of any city may employ a veteran service officer;
- Replaces the authority of the operator to determine eligibility of applicants with that of the department;
- Corrects a technical deficiency by removing the authority of the operator to adopt rules; and
- Corrects a technical deficiency by specifying when “Veterans Week” begins.

- B. Amendments:

None.

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

²⁹ Florida Dep’t of Veterans Affairs, *2023 Agency Legislative Bill Analysis, SB 824* (July 1, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).



705128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 35 - 188
and insert:

(1) Each board of county commissioners or the governing body of any city may employ a ~~county~~ veteran service officer; provide office space, clerical assistance, and the necessary supplies incidental to providing and maintaining a ~~county~~ service office; and pay related ~~said~~ expenses and salaries from the moneys hereinafter provided for. ~~The governing body of any~~



705128

~~city may employ a city veteran service officer; provide such office space, clerical assistance, and supplies; and pay expenses and salaries. A county or city veteran service officer must be a veteran as defined in s. 1.01(14) who served as a member of the Armed Forces of the United States during a period of war, as defined in Title 38, U.S.C.; who served at least 18 months' active duty in the Armed Forces; and who was separated from such service under honorable conditions, or the surviving spouse of any such a veteran and must. Any honorably discharged wartime veteran who was so discharged for service connected or aggravated medical reasons before serving 18 months of active duty; who completed a tour of duty other than active duty for training, regardless of the length of the tour; or who satisfied his or her military obligation in a manner other than active duty for training or reserve duty shall be eligible for employment as a county or city veteran service officer. Every county or city veteran service officer, in order to be eligible for employment as a county or city veteran service officer, shall have a 2-year degree from an accredited university, college, or community college or a high school degree or equivalency diploma and 4 years of administrative experience.~~

Section 3. Part III of chapter 296, Florida Statutes, consisting of sections 296.42 through 296.49, Florida Statutes, is created to read:

PART III

VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

296.42 Short title.—This part may be cited as the "Veterans' Adult Day Health Care of Florida Act."

296.43 Purpose.—The purpose of this part is to provide for



705128

the establishment of basic standards for the operation of veterans' adult day health care programs for eligible veterans in need of such services.

296.44 Definitions.—As used in this part, the term:

(1) "Contractor" means an entity responsible for the day-to-day operations of an adult day health care facility or adult day care center as prescribed by 38 C.F.R. s. 59.160 or part III of chapter 429, respectively. The contractor may be a for-profit or nonprofit entity that operates the adult day health care facility or adult day care center under the direction of the executive director of the department.

(2) "Department" means the Department of Veterans' Affairs.

(3) "Director" means the executive director of the department.

(4) "Operator" means the person designated to have and who has the general administrative charge of an adult day health care facility or adult day care center. The administrator of a veterans' nursing home under s. 296.34 or the administrator of the Veterans' Domiciliary Home of Florida under s. 296.04 may serve as the operator if the adult day health care facility or adult day care center is colocated at an existing veterans' nursing home or the Veterans' Domiciliary Home of Florida or is a freestanding facility.

(5) "Participant" means an eligible veteran recipient of basic services or of supportive and optional services provided by an adult day health care facility or adult day care center.

(6) "Program" means a licensed facility operated by the department under part III of chapter 429.

(7) "Veteran" has the same meaning as in s. 1.01(14).



705128

69 296.45 Operator; qualifications, duties, and
70 responsibilities.—

71 (1) The director shall appoint an operator who is
72 responsible for the overall operation of the program and for the
73 care of the participant or shall designate a contractor to
74 perform the same duties.

75 (2) The department shall determine the eligibility of
76 applicants for admission to the program in accordance with
77 provisions of this part and shall adopt rules necessary for the
78 proper administration of the program, including rules for the
79 preservation of order and enforcement of discipline in the
80 program. Rules governing the program must conform as nearly as
81 possible to the rules and regulations for comparable facilities
82 of the United States Department of Veterans Affairs.

83 (3) The operator position is assigned to the Selected
84 Exempt Service under part V of chapter 110 unless the operation
85 of the program is assigned to a contractor. The director must
86 give veterans preference in selecting an operator as provided in
87 ss. 295.07 and 295.085 if the operation of the program is not
88 assigned to a contractor.

89 (4) Employees who fill authorized and established positions
90 appropriated for the program must be state employees unless the
91 operation of the program is assigned to a contractor. The
92 department shall classify such employees in the manner
93 prescribed in chapter 110.

94 (5) The operator shall administer and enforce all rules of
95 the program, including rules of discipline, and may dismiss a
96 participant in the program for an infraction of the rules,
97 subject to the approval of the director.



705128

296.46 Nondiscrimination policy of the program.—It is the policy of the state to admit residents into the program without regard to race, age, sex, creed, religion, national origin, or any other reason that would thereby create a practice of discrimination. However, consideration of an applicant's veteran status does not constitute discrimination.

296.47 Eligibility and priority of admittance.—

(1) To be eligible for admittance to the program, the person must be a veteran or have eligible peacetime service as defined in s. 296.02 and must:

(a) Be in need of adult day health care;

(b) Be a resident of this state at the time of application for admission to the program;

(c) Not owe money to the department for services rendered during any previous stay at a department facility;

(d) Have applied for all financial assistance reasonably available through governmental sources; and

(e) Have been approved as eligible for care and treatment by the United States Department of Veterans Affairs.

(2) The operator may waive the residency requirement for a veteran who is otherwise eligible under Florida law for admittance to a program. The waiver must be limited to a veteran who is a disaster evacuee of a state that is under a declared state of emergency.

(3) Admittance priority must be given to eligible veterans in the following order of priority:

(a) An eligible veteran who is a resident of this state.

(b) An eligible veteran who has a service-connected disability as determined by the United States Department of



705128

Veterans Affairs, or was discharged or released from military service for a disability incurred or aggravated in the line of duty, and the disability is the condition for which adult day health care is needed.

(c) An eligible veteran who has a non-service-connected disability and is unable to defray the expense of adult day health care and so states under oath before a notary public or other officer authorized to administer an oath.

296.48 Participants; contribution to support.—The operator may, if there is room, admit to participation in the program a veteran who has sufficient means for his or her own support but is otherwise eligible to become a participant in the program, upon payment of the full cost of his or her support, which cost and method of collection must be fixed from time to time by the operator.

296.49 Audit; inspection; standards for the program.—The program must be open at any time to audit and inspection by the Auditor General and the Office of Program Policy Analysis and Government Accountability, as provided by law, the department, and the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the program. The standards that the department must use to regulate the operation of the program are those prescribed by the United States Department of Veterans Affairs, provided that when the state's standards are more restrictive, the standards of the state must apply.

Section 4. Section 683.1475, Florida Statutes, is created to read:

683.1475 Veterans Week.—



705128

(1) The week of November 11 of each year is designated as "Veterans Week," with the week starting with the Sunday preceding November 11. If November 11 falls on a Sunday, "Veterans Week" begins on that day.

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

And the title is amended as follows:

Delete line 11

and insert:

operator; requiring the department to determine
applicant eligibility; requiring the department to
adopt specified rules; specifying the qualifications,
duties, and

By Senator Collins

14-01079-23

2023824__

1 A bill to be entitled
 2 An act relating to veterans' services and recognition;
 3 amending s. 20.37, F.S.; creating the Division of
 4 Long-term Care within the Department of Veterans'
 5 Affairs; amending s. 292.11, F.S.; revising
 6 qualifications for employment of county and city
 7 veteran service officers; creating part III of ch.
 8 296, F.S.; creating the "Veterans' Adult Day Health
 9 Care of Florida Act"; providing a purpose and
 10 definitions; providing for the appointment of an
 11 operator; specifying the qualifications, duties, and
 12 responsibilities of the operator; establishing a
 13 nondiscrimination policy for the program; providing
 14 for eligibility and priority of admittance; providing
 15 for participants' contribution to support; providing
 16 for program audits, inspections, and operational
 17 standards; creating s. 683.1475, F.S.; designating the
 18 week of November 11 of each year as "Veterans Week" in
 19 Florida; authorizing the Governor to issue an annual
 20 proclamation; providing an effective date.
 21
 22 Be It Enacted by the Legislature of the State of Florida:
 23
 24 Section 1. Paragraph (c) is added to subsection (2) of
 25 section 20.37, Florida Statutes, to read:
 26 20.37 Department of Veterans' Affairs.—There is created a
 27 Department of Veterans' Affairs.
 28 (2) The following divisions, and bureaus within these
 29 divisions, of the Department of Veterans' Affairs are

Page 1 of 7

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

14-01079-23

2023824__

30 established:
 31 (c) Division of Long-term Care.
 32 Section 2. Subsection (1) of section 292.11, Florida
 33 Statutes, is amended to read:
 34 292.11 County and city veteran service officer.—
 35 (1) Each board of county commissioners and the governing
 36 body of any city may employ a county veteran service officer;
 37 provide office space, clerical assistance, and the necessary
 38 supplies incidental to providing and maintaining a ~~county~~
 39 service office; and pay related ~~said~~ expenses and salaries from
 40 the moneys hereinafter provided for. ~~The governing body of any~~
 41 ~~city may employ a city veteran service officer; provide such~~
 42 ~~office space, clerical assistance, and supplies; and pay~~
 43 ~~expenses and salaries.~~ A county or city veteran service officer
 44 must be a veteran as defined in s. 1.01(14) ~~who served as a~~
 45 ~~member of the Armed Forces of the United States during a period~~
 46 ~~of war, as defined in Title 38, U.S.C.; who served at least 18~~
 47 ~~months' active duty in the Armed Forces; and who was separated~~
 48 ~~from such service under honorable conditions; or the surviving~~
 49 ~~spouse of any such a veteran and must.~~ Any honorably discharged
 50 ~~wartime veteran who was so discharged for service-connected or~~
 51 ~~aggravated medical reasons before serving 18 months of active~~
 52 ~~duty; who completed a tour of duty other than active duty for~~
 53 ~~training, regardless of the length of the tour; or who satisfied~~
 54 ~~his or her military obligation in a manner other than active~~
 55 ~~duty for training or reserve duty shall be eligible for~~
 56 ~~employment as a county or city veteran service officer. Every~~
 57 ~~county or city veteran service officer, in order to be eligible~~
 58 ~~for employment as a county or city veteran service officer,~~

Page 2 of 7

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

14-01079-23

2023824

59 ~~shall~~ have a 2-year degree from an accredited university,
60 college, or community college or a high school degree or
61 equivalency diploma and 4 years of administrative experience.

62 Section 3. Part III of chapter 296, Florida Statutes,
63 consisting of sections 296.42 through 296.49, is created to
64 read:

65 PART III

66 VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

67 296.42 Short title.—This part may be cited as the
68 "Veterans' Adult Day Health Care of Florida Act."

69 296.43 Purpose.—The purpose of this part is to provide for
70 the establishment of basic standards for the operation of
71 veterans' adult day health care programs for eligible veterans
72 in need of such services.

73 296.44 Definitions.—As used in this part, the term:

74 (1) "Contractor" means an entity responsible for the day-
75 to-day operations of an adult day health care facility or adult
76 day care center as prescribed by 38 C.F.R. s. 59.160 or part III
77 of chapter 429, respectively. The contractor may be a for-profit
78 or nonprofit entity that operates the adult day health care
79 facility or adult day care center under the direction of the
80 executive director of the department.

81 (2) "Department" means the Department of Veterans' Affairs.

82 (3) "Director" means the executive director of the
83 department.

84 (4) "Operator" means the person designated to have and who
85 has the general administrative charge of an adult day health
86 care facility or adult day care center. The administrator of a
87 veterans' nursing home under s. 296.34 or the administrator of

14-01079-23

2023824

88 the Veterans' Domiciliary Home of Florida under s. 296.04 may
89 serve as the operator if the adult day health care facility or
90 adult day care center is collocated at an existing veterans'
91 nursing home or the Veterans' Domiciliary Home of Florida or is
92 a freestanding facility.

93 (5) "Participant" means an eligible veteran recipient of
94 basic services or of supportive and optional services provided
95 by an adult day health care facility or adult day care center.

96 (6) "Program" means a licensed facility operated by the
97 department under part III of chapter 429.

98 (7) "Veteran" has the same meaning as in s. 1.01(14).

99 296.45 Operator; qualifications, duties, and
100 responsibilities.—

101 (1) The director shall appoint an operator who is
102 responsible for the overall operation of the program and for the
103 care of the participant or shall designate a contractor to
104 perform the same duties.

105 (2) The operator shall determine the eligibility of
106 applicants for admission to the program in accordance with
107 provisions of this part and, together with the director, shall
108 adopt rules necessary for the proper administration of the
109 program, including rules for the preservation of order and
110 enforcement of discipline in the program. Rules governing the
111 program must conform as nearly as possible to the rules and
112 regulations for comparable facilities of the United States
113 Department of Veterans Affairs.

114 (3) The operator position is assigned to the Selected
115 Exempt Service under part V of chapter 110 unless the operation
116 of the program is assigned to a contractor. The director shall

14-01079-23 2023824

117 give veterans preference in selecting an operator as provided in
 118 ss. 295.07 and 295.085 if the operation of the program is not
 119 assigned to a contractor.

120 (4) Employees who fill authorized and established positions
 121 appropriated for the program must be state employees unless the
 122 operation of the program is assigned to a contractor. The
 123 department shall classify such employees in the manner
 124 prescribed in chapter 110.

125 (5) The operator shall administer and enforce all rules of
 126 the program, including rules of discipline, and may dismiss a
 127 participant in the program for an infraction of the rules,
 128 subject to the approval of the director.

129 296.46 Nondiscrimination policy of the program.—It is the
 130 policy of the state to admit residents into the program without
 131 regard to race, age, sex, creed, religion, national origin, or
 132 any other reason that would thereby create a practice of
 133 discrimination. However, consideration of an applicant's veteran
 134 status does not constitute discrimination.

135 296.47 Eligibility and priority of admittance.—
 136 (1) To be eligible for admittance to the program, the
 137 person must be a veteran or have eligible peacetime service as
 138 defined in s. 296.02 and must:

139 (a) Be in need of adult day health care;
 140 (b) Be a resident of this state at the time of application
 141 for admission to the program;
 142 (c) Not owe money to the department for services rendered
 143 during any previous stay at a department facility;
 144 (d) Have applied for all financial assistance reasonably
 145 available through governmental sources; and

14-01079-23 2023824

146 (e) Have been approved as eligible for care and treatment
 147 by the United States Department of Veterans Affairs.

148 (2) The operator may waive the residency requirement for a
 149 veteran who is otherwise eligible under Florida law for
 150 admittance to a program. The waiver must be limited to a veteran
 151 who is a disaster evacuee of a state that is under a declared
 152 state of emergency.

153 (3) Admittance priority must be given to eligible veterans
 154 in the following order of priority:

155 (a) An eligible veteran who is a resident of this state.
 156 (b) An eligible veteran who has a service-connected
 157 disability as determined by the United States Department of
 158 Veterans Affairs, or was discharged or released from military
 159 service for a disability incurred or aggravated in the line of
 160 duty, and the disability is the condition for which adult day
 161 health care is needed.

162 (c) An eligible veteran who has a non-service-connected
 163 disability and is unable to defray the expense of adult day
 164 health care and so states under oath before a notary public or
 165 other officer authorized to administer an oath.

166 296.48 Participants; contribution to support.—The operator
 167 may, if there is room, admit to participation in the program a
 168 veteran who has sufficient means for his or her own support but
 169 is otherwise eligible to become a participant in the program,
 170 upon payment of the full cost of his or her support, which cost
 171 and method of collection must be fixed from time to time by the
 172 operator.

173 296.49 Audit; inspection; standards for the program.—The
 174 program must be open at any time to audit and inspection by the

14-01079-23

2023824

Auditor General and the Office of Program Policy Analysis and Government Accountability, as provided by law, the department, and the United States Department of Veterans Affairs, and to any other audits or inspections as required by law to maintain appropriate standards in the program. The standards that the department must use to regulate the operation of the program are those prescribed by the United States Department of Veterans Affairs, provided that when the state's standards are more restrictive, the standards of the state must apply.

Section 4. Section 683.1475, Florida Statutes, is created to read:

683.1475 Veterans Week.—

(1) The week of November 11 of each year is designated as "Veterans Week."

(2) The Governor may annually issue a proclamation designating the week of November 11 as "Veterans Week." Public officials, schools, private organizations, and all residents of this state are encouraged to commemorate Veterans Week and honor the men and women who answered the call during times of war and peace to protect and preserve the treasured freedom of all citizens of the United States.

Section 5. This act shall take effect July 1, 2023.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR JAY COLLINS

14th District

COMMITTEES:

Agriculture, *Chair*
Appropriations Committee on Education
Appropriations Committee on Transportation, Tourism,
and Economic Development
Education Postsecondary
Education Pre-K -12
Fiscal Policy
Military and Veterans Affairs, Space, and
Domestic Security

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining

March 9, 2023

Senator Tom A. Wright
416 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Chair Wright,

I respectfully request that SB 824 – Veterans’ Services and Recognition be placed on the next available agenda for the Committee on Military and Veterans Affairs, Space, and Domestic Security. This bill creates the Division of Long-term Care within the Department of Veterans’ Affairs and creates the “Veterans’ Adult Day Health Care of Florida Act,” which will establish adult day health care programs for eligible veterans in need of such services.

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

Thank you,

A handwritten signature in black ink, appearing to read "Jay Collins", written over a horizontal line.

Senator Jay Collins
Senate District 14

Cc: Tim Proctor, Staff Director
Michele Ingram, Committee Administrative Assistant

REPLY TO:

- ☐ 405 North Reo Street, Suite 170, Tampa, Florida 33609 (813) 281-2538
- ☐ 305 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 387-4014

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore



2023 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans' Affairs

BILL INFORMATION

BILL NUMBER:	<u>SB 824</u>
BILL TITLE:	<u>Veterans' Services and Recognition</u>
BILL SPONSOR:	<u>Collins</u>
EFFECTIVE DATE:	<u>July 1, 2023</u>

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs, Space, and Domestic Security
2) Appropriations Committee on Health and Human Services
3) Fiscal Policy
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Military and Veterans Affairs, Space, and Domestic Security

SIMILAR BILLS

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

PREVIOUS LEGISLATION

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

IDENTICAL BILLS

BILL NUMBER:	HB 485
SPONSOR:	Salzman

Is this bill part of an agency package?

Yes

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	3/9/2023
LEAD AGENCY ANALYST:	Alyssa Deines
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Linda Williams
FISCAL ANALYST:	Click or tap here to enter text.

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

This bill creates the Division of Long-term Care within the Department of Veterans Affairs ("department"), revises the qualifications of county and city veteran services offices, creates the Veterans Adult Day Health Care of Florida Act and designates the week of November 11 of each year as Veterans week.

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

- a. At the present time, there is no Division of Long-term Care in Florida statute.
- b. The current qualification for county and city veteran service officers includes being a wartime veteran or the surviving spouse thereof.
- c. At the present time, there is no Veterans Adult Day Health Care of Florida Act.
- d. At the present time, there is no designation for Veterans Week.

2. **EFFECT OF THE BILL:**

- a. Paragraph (c) is added to subsection (2) of section 20.37, Florida Statutes to include "Division of Long-term Care."
- b. Subsection (1) of 292.11, Florida Statutes, would be amended to remove the qualification of being a wartime veteran or a surviving spouse thereof and would be replaced by being a veteran as defined in s. 1.01 (14), Florida Statutes, or a surviving spouse thereof.
- c. Creates the Veterans Adult Day Health Care of Florida Act for the purpose of providing veterans' adult day health care programs to eligible veterans in need of such services. This would also establish of basic standards for the operation, definitions, provide for the appointment of an operator, specifying the qualifications, duties, and responsibilities of the operator, establish a nondiscrimination policy for the program, provide for eligibility and priority of admittance, provide for participants' contribution to support, provide for program audits, and inspections.
- d. Designates the week of November 11 of each year as Veterans Week in Florida and authorizing the Governor to issue an annual proclamation.

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

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	Y ☒ N ☐
Rule(s) impacted (provide references to F.A.C., etc.):	Please provide rulemaking authority for this provision to be consistent with department's other long-term care: Chapter 296, Florida Statutes, Part I for State Veterans Domiciliary and Rule 55-11, F.A.C., and Part II for State Veterans Nursing Home and Rule 55-12, F.A.C. Rulemaking authority will be appropriate to create operational details for Adult Day Health Care.

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

Proponents and summary of position:	Removing the qualification of being a wartime veteran and changing it to a veteran qualification as defined in 1.01(14) F.S., would expand the candidate pool for county or city veteran service officers, making it easier to fill the position with qualified individuals to better serve those veterans in need. The establishment of Veterans Adult Day Health Care would expand health care services provided to veterans across Florida by the department to fit their individual needs more closely. Currently long-term care is provided at
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	department domiciliary and nursing homes, but the addition of Adult Day Health Care could keep more veterans in the own homes longer, with day care support to enable quality care to more people with respite for family caregivers.
Opponents and summary of position:	No Opponents known

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

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

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

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

FISCAL ANALYSIS**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?**Y ☒ N ☐

Revenues:	Adult Day Health Care will increase number of permanent health care jobs within local government jurisdictions, and therefore, may generate revenues from the consumer population increase.
Expenditures:	Click or tap here to enter text.
Does the legislation increase local taxes or fees? If yes, explain.	May increase tax base from occupational licensure.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	Not applicable.

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

Revenues:	This program is intended to be a revenue producer as FDVA intends to bill the USDVA for the care provided under the Adult Day Health Care model. The current USDVA State Adult Day Healthcare rate is \$103.55 daily per resident. FDVA's model is to contract with a reputable adult day health care contractor to operate the program in space within our existing and future State Veteran Homes
Expenditures:	During the first year, we do not anticipate any additional expenditures. It will take at least one year to negotiate contracts with the USDVA and an adult day health care operator as well as prepare the space. FDVA will pilot it in its new St Lucie State Veteran Nursing Home and planning for our future homes. FDVA plans to implement the program with existing facilities and personal. May create new liabilities, especially if facilities are operated by contractors.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	Not applicable.

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

Revenues:	Salaries paid to employees hired by contractor will provide cash to be spent in local economy.
Expenditures:	Cannot be determined at this time.
Other:	Click or tap here to enter text.

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

If yes, explain impact.	Click or tap here to enter text.
Bill Section Number:	Click or tap here to enter text.

TECHNOLOGY IMPACT

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

If yes, describe the anticipated impact to the agency including any fiscal impact.

Ongoing need for IT for all aspects of care.

FEDERAL IMPACT

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

If yes, describe the anticipated impact including any fiscal impact.

State licensure of facility in addition to various

ADDITIONAL COMMENTS

Please note Line 120 in paragraph (3) Recommend citing veterans' preference as:
ss. 295.065 – 295.11, Florida Statutes.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

Be cognizant of § 59.160 Adult day health care requirements: <https://www.ecfr.gov/current/title-38/chapter-I/part-59/section-59.160> and other requirements for State construction grants: <https://www.ecfr.gov/current/title-38/chapter-I/part-59?toc=1>

See also 38 CFR Part 51.

3/29/2023

The Florida Senate

APPEARANCE RECORD

SB 0824

Meeting Date

Mil. VET AFF, SPACE & DOMESTIC SECURITY

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

BOB ASZTALOS

Phone

(850) 487-1533

Address

400 S. MONROE ST Suite 2005 Capitol

Email

ASZTALOSB@FDVA-STATE.FL.US

Street

TALLAHASSEE

FL

32399

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FDVA

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB- 0824

03/29/2023

Meeting Date

Military & Veterans Affairs

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Ivonne Fernandez - AARP**

Phone **954-850-7262**

Address **215 S Monroe Street**

Email **ifernandez@aarp.org**

Street

Tallahassee

FL

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

AARP

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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/CS/SB 908

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee; Transportation Committee; and Senator Rodriguez

SUBJECT: Unmanned Aircraft Systems Act

DATE: March 29, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.	Proctor	Proctor	MS	Fav/CS
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 908 revises the definition of “critical infrastructure facility” for purposes of the operation of unmanned aircraft systems, or “drones,” over or near certain facilities and structures to include: water intake structures; water treatment facilities; wastewater treatment plants; pump stations; certain deepwater ports; railroad switching yards; certain airports; certain spaceport territories; certain military installations; or certain dams or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

The bill removes from state law:

- A virtually identical requirement under federal law that a person or governmental entity apply to the Federal Aviation Administration (FAA) to restrict or limit the operation of drones in close proximity to infrastructure and facilities that the person or governmental entity owns or operates; and
- A provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions.

The bill’s impact on state and local revenues is indeterminate. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Federal Law

Drones, or unmanned aerial vehicles and unmanned aerial systems, are considered to be aircraft subject to regulation by the FAA.¹ In February 2012, Congress passed the FAA Modernization and Reform Act of 2012 (Modernization Act), which required the FAA to safely open the nation's airspace to drones by September 2015.² The Modernization Act vested authority to regulate the use of drones to the FAA, as it does all aircraft in the national airspace, with an emphasis on safety, efficiency, and national security.³

Under the authority granted in the 2012 Act, the FAA issued its regulations on the operation and certification of small (less than 55 pounds at take-off) unmanned aircraft systems in June of 2016. The small drone regulations are still in effect.⁴ Federal law also provides an exception for limited recreational operations of unmanned aircraft under specified conditions and, if the conditions are met, a person may operate a small unmanned aircraft without specific certification or operating authority from the FAA.⁵

Subsequent to the 2016 FAA regulations, Congress approved a 17-month extension of the authority of the FAA, known as the “Extension, Safety, and Security Act of 2016 (Extension Act).”⁶ In addition to providing the FAA continued authority and funding to operate, the Extension Act required the FAA, by the end of 2016, to establish a process for operators or proprietors of fixed-site facilities to petition the FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed-site facility. The law provided that a “fixed-site facility” means only:

- Critical infrastructure, such as energy production, transmission, and distribution facilities and equipment;
- Oil refineries and chemical facilities;
- Amusement parks; and

¹ FAA, Office of the Chief Counsel, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, p. 1, available at https://www.faa.gov/sites/faa.gov/files/uas/resources/policy_library/UAS_Fact_Sheet_Final.pdf (last visited March 17, 2023). Drones can range in size from wingspans of just inches to numerous feet and can vary in weight from ounces to thousands of pounds. They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone. See 72 FR 6689, Federal Aviation Administration (FAA), *Unmanned Aircraft Operations in the National Airspace System*, February 13, 2007, available at <https://www.federalregister.gov/documents/2007/02/13/E7-2402/unmanned-aircraft-operations-in-the-national-airspace-system> (last visited March 17, 2023).

² Pub. L. No. 112-95 (2012).

³ However, land use, zoning, privacy, trespass, and law enforcement operations generally are not subject to federal regulation. See FAA, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, FAA Office of the Chief Counsel, December 17, 2015, p. 3, available at https://www.faa.gov/sites/faa.gov/files/uas/resources/policy_library/UAS_Fact_Sheet_Final.pdf (last visited March 17, 2023).

⁴ See 14 C.F.R. part 107, *Small Unmanned Aircraft Systems*, available at https://www.faa.gov/air_traffic/publications/atpubs/foa_html/chap19_section_6.html (last visited March 17, 2023).

⁵ See 49 U.S.C. 44809, available at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title49-section44809&num=0&edition=prelim> (last visited March 17, 2023). The conditions include, but are not limited to, flying the drone strictly for recreational purposes, from the surface to not more than 400 feet, within the visual line of sight.

⁶ Pub. L. No. 114-190 (2016).

- Other locations that warrant such restrictions.⁷

By the time of passage of the FAA Reauthorization Act of 2018,⁸ a 5-year reauthorization of funding, authorities, and responsibilities through fiscal year 2023 (September 30, 2023), the FAA had not established the petition process required of the 2016 law. The 2018 law revised the first-listed meaning of “fixed site facility” to mean only critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities. The 2018 law also revised the requirement for the process of petitioning the FAA to prohibit or restrict operation of an unmanned aircraft in close proximity to a fixed-site facility by requiring, not later than March 31, 2019, the publication of a notice of proposed rulemaking to carry out the petition process requirements and issuance of a final rule not later than 12 months after publishing the notice.

Various types of airspace restrictions applicable to drones and their operation already exist. For example, the FAA lists restrictions that commonly affect drone flights, such as stadiums and sporting events,⁹ near airports,¹⁰ security sensitive airspace restrictions,¹¹ restricted or special use airspace,¹² and Washington D.C. The FAA also prohibits drone flying over an emergency or rescue operations relating to wildfires and hurricanes.¹³

The FAA has established additional resources for drone operators. For example, the FAA maintains a “No Drone Zone” web page to help identify areas where people cannot operate a drone.¹⁴ A downloadable sign is available for use by public landowners that prohibits takeoff and landing of drones at a particular public location to inform operators of a local restriction. Such restrictions do not include flight in the airspace of the identified location (area).¹⁵ Recreational

⁷ Pub. L. No. 114-190, s. 2209 (2016).

⁸ Pub. L. No. 115-254 (2018).

⁹ Major League Baseball, National Football League, NCAA Division One Football, and NASCAR Sprint Cup, Indy Car, and Champ Series races. Drone operations are prohibited within a radius of three nautical miles of the stadium or venue. See FAA, *Stadiums and Sporting Events*, available at https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_restrictions/sports_stadiums (last visited March 17, 2023).

¹⁰ For details on flying drones near airports, see FAA, *Flying Near Airports*, available at https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_restrictions/flying_near_airports (last visited March 17, 2023).

¹¹ Drones are prohibited from flying over designated national security sensitive facilities from the ground up to 400 feet above ground level. Examples include military bases designated as Department of Defense facilities, national landmarks (e.g., the Statue of Liberty, Hoover Dam, Mt. Rushmore), and certain critical infrastructure such as nuclear power plants. See FAA, *Security Sensitive Airspace Restrictions*, available at https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_restrictions/security_sensitive (last visited March 17, 2023).

¹² Examples include prohibited areas where aircraft flight, including drones, is prohibited, restricted areas where operations are hazardous to the operator, and temporary flight restrictions due to temporary hazardous conditions such as a wildfire, hurricane, or chemical spill; a security-related event such as the UN General Assembly, and other special situations such as VIP movement. See FAA, *Restricted or Special Use Airspace*, available at https://www.faa.gov/uas/getting_started/where_can_i_fly/airspace_restrictions/tfr (last visited March 17, 2023).

¹³ *Id.*

¹⁴ FAA, *No Drone Zone*, available at https://www.faa.gov/uas/resources/community_engagement/no_drone_zone (last visited March 17, 2023).

¹⁵ *Id.* Only the FAA can restrict airspace, but the FAA provided the sign that can be used by state, local, territorial, or tribal government agencies to identify areas where local flight restrictions exist.

users may also download the free-of-charge “B4UFLY” app with interactive maps that help operators identify where they can and cannot fly.¹⁶

What the FAA has not yet accomplished, however, is issuance of a final rule establishing the criteria and procedures for the operator or proprietor of eligible fixed site facilities to apply to the FAA for a drone-specific flight restriction over such facilities. The FAA anticipates publishing the Notice of Proposed Rulemaking on June 30, 2023.¹⁷

State Action in the Absence of the FAA Rule

Because the federal rule has not been issued providing a process for the granting of a drone-specific flight restriction, states have attempted to protect infrastructure and facilities deemed to be critical and in need of such drone-flight restriction. According to the National Conference of State Legislatures, since 2013, at least 44 states have enacted laws addressing drones, commonly defining what a drone is, how a drone can be used by law enforcement or other state agencies, how a drone can be used by the general public, and regulations for use of a drone in hunting game.¹⁸

Industry stakeholders and the U.S. Chamber of Commerce have reportedly urged the FAA to begin the rulemaking process, expressing the following:

The concern by these and other industry leaders is not simply that the failure to enact Section 2209 leaves ambiguity as to what infrastructure and facilities are considered “fixed site,” but a larger failure by the FAA to firmly establish that they hold sole authority to regulate the national airspace. Without the enactment of Section 2209, states have been enacting their own legislation to protect (and define) critical infrastructure sites, which has led to a patchwork [of] unwieldy and inconsistent laws.¹⁹

Because the FAA has regulatory authority over matters pertaining to aviation safety,²⁰ and because states are unclear as to which facilities are or are not “fixed site” facilities, and further because the FAA has not issued a rule establishing the criteria and procedures for the operator or proprietor of eligible fixed site facilities to apply to the FAA for a drone-specific flight restriction over such facilities, state statutes may be in conflict with the anticipated FAA rule. Any state statute, to the extent of any conflict with the expected FAA rule, will be preempted.

¹⁶ See FAA, *B4UFLY*, available at https://www.faa.gov/uas/getting_started/b4uflly (last visited March 17, 2023).

¹⁷ See the FAA *Significant Rulemaking Report*, September 2022, available at <https://www.transportation.gov/sites/dot.gov/files/2022-09/September%202022%20Significant%20Rulemaking%20Report.v.1.z.pdf> (last visited March 17, 2023).

¹⁸ See NCSL.org, *Current Unmanned Aircraft State Law Landscape*, available at [Current Unmanned Aircraft State Law Landscape \(ncsl.org\)](https://www.ncsl.org/research/aviation/unmanned/Current-Unmanned-Aircraft-State-Law-Landscape.aspx) (last visited March 17, 2023).

¹⁹ See National Law Review, *Potential Consequences of the FAA’s Failure to Implement Section 2209*, available at [FAA’s Failure to Implement Section 2209 Brings Consequences \(natlawreview.com\)](https://www.natlawreview.com/article/potential-consequences-of-the-faa-s-failure-to-implement-section-2209) (last visited March 17, 2023).

²⁰ See FAA, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, FAA Office of the Chief Counsel, December 17, 2015, available at https://www.faa.gov/sites/faa.gov/files/uas/resources/policy_library/UAS_Fact_Sheet_Final.pdf (last visited March 17, 2023).

Florida Law

Florida's Unmanned Aircraft System Act²¹ defines the term "drone" to mean a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.²²

"Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and are posted on the property in a manner reasonably likely to come to the attention of intruders:

- An electrical power generation or transmission facility, substation, switching station, or electrical control center;
- A chemical or rubber manufacturing or storage facility;
- A mining facility;
- A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline;
- A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more;
- Any portion of an aboveground oil or gas pipeline;
- A wireless communications facility, including tower, antennae, support structures, and all associated ground-based equipment;
- A defined state correctional institution or private correctional facility;
- A defined secure detention center or facility, a high-risk residential facility, or a defined maximum-risk residential facility; and
- A defined county detention facility.²³

Regulation of the operation of drones is vested in the state, except as provided in federal regulations, authorizations, or exemptions.²⁴ However, the statute does not limit the authority of a local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of drones if the laws or ordinances are not specifically related to the use of a drone for those illegal acts.²⁵

²¹ Section 330.41, F.S.

²² Section 934.50(2), F.S., "Unmanned aircraft system" means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. Section 330.41(2)(b), F.S.

²³ Section 330.41(2)(a), F.S.

²⁴ "Except as otherwise expressly provided, a political subdivision may not enact or enforce an ordinance or resolution relating to the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements; the purpose of operations; and pilot, operator, or observer qualifications, training, and certification." Section 330.41(3)(b), F.S.

²⁵ Section 330.41(3)(c), F.S.

Mirroring federal law relating to the petition process above but not yet accomplished, Florida law requires a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for a designation pursuant to the Extension Act of 2016.²⁶

A person may not knowingly or willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.²⁷

A person who violates the above provisions commits a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days,²⁸ plus a possible additional \$500 fine.²⁹

The prohibitions do not apply to actions which are committed by:

- A federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity;
- A law enforcement agency that is in compliance with s. 934.50, F.S., or a person under contract with or otherwise acting under the direction of the law enforcement agency; or
- An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of the owner, operator, or occupant.³⁰

The state's definition of "critical infrastructure facility," and therefore the prohibitions against operating a drone over or near such a facility, also do not apply to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions.³¹

To ensure that Florida is compliant with federal laws related to the regulation of drones, s. 330.41(4)(e), F.S., requires that the state's definition of "critical infrastructure facility," and therefore the provisions limiting the operation of drones over or near such facilities, sunset 60 days after the FAA adopts rules to designate "fixed-site" facilities and provides a process for specified entities to apply for exemptions and protection from drone use.³² Section 330.41, F.S., must be construed in accordance with standards imposed by federal statutes, regulations, and FAA guidance.³³

²⁶ Section 330.41(3)(d), F.S.

²⁷ Section 330.41(4)(a), F.S.

²⁸ Section 775.082(4)(b), F.S.

²⁹ Section 775.083(1)(e), F.S.

³⁰ Section 330.41(4)(c), F.S.

³¹ Section 330.41(4)(d), F.S.

³² Section 330.41(4)(e), F.S.

³³ Section 330.41(5), F.S.

III. Effect of Proposed Changes:

The bill amends s. 330.41, F.S., Florida's Unmanned Aircraft Systems Act, to include the following additional items in the state's definition of "critical infrastructure facility":

- A water intake structure, water treatment facility, wastewater treatment plant, or pump station;
- A refinery;
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas;
- A seaport listed in s. 311.09(1), F.S.,³⁴ which need not be completely enclosed by a fence or other physical barrier, or be marked with a sign or signs indicating that entry is forbidden;
- A inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport;
- An airport as defined in s. 330.27, F.S.,³⁵
- A spaceport territory as defined in s. 331.303(18), F.S.,³⁶
- A military installation as defined in 10 U.S.C. s. 2801(c)(4);³⁷
- An armory as defined in s. 250.01, F.S.,³⁸ and
- A dam as defined in s. 373.403(1), F.S.,³⁹ or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waters.

The bill also revises the existing inclusion in the definition of "critical infrastructure facility" a liquid natural gas or propane gas terminal or storage facility, by removing that the terminal or storage facility have a capacity of 4,000 gallons or more.

Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs that indicate that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders.

Any person who knowingly and willfully operates a drone over the specified additional facilities and structures; or allows a drone to make contact with one, including any person or object on the premises of or within the facility; or allows a drone to come within a distance of one that is close enough to interfere with the operations of or cause a disturbance to one is subject to a definite term of imprisonment not exceeding 60 days,⁴⁰ plus a possible additional \$500 fine,⁴¹ except for

³⁴ Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

³⁵ An area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. Section 330.27(2), F.S.

³⁶ The geographical area designated in s. 331.304, F.S., and as amended or changed in accordance with s. 331.329, F.S.

³⁷ A base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of operational control.

³⁸ A building or group of buildings used primarily for housing and training troops or for storing military property, supplies, or records.

³⁹ Any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

⁴⁰ Section 775.082(4)(b), F.S.

⁴¹ Section 775.083(1)(e), F.S.

those actions committed by the identified entities, agencies, or persons to which these provisions do not apply as described above.

In addition, the bill strikes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for the designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016. (See the “Related Issues” heading below.)

The bill also strikes the provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions. Operation of these drones would be restricted as provided in state law unless the state law conflicts with a federal definition of what constitutes a “fixed-site facility” or with any other federal law, regulation, or authorization.

The bill provides that effective on the same date that SB 264 or similar legislation takes effect the definition of “critical infrastructure facility” in s. 330.41, F.S., will include critical infrastructure facility as defined in s. 692.201, F.S.

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Pursuant to the FAA Reauthorization Act of 2018, the U.S. Government Accountability (GAO) studied and reported on a number of issues relating to the regulatory framework to safely integrate drones into the national airspace. The GAO notes that “the law on a

number of key matters is in a state of flux.”⁴² Among the issues discussed in the report is the “possible constitutionally-protected property rights in low-altitude airspace.”

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person who violates the provisions relating to protection of critical infrastructure facilities in s. 330.41(4), F.S., commits a second-degree misdemeanor, punishable by a definite term of imprisonment not exceeding 60 days,⁴³ plus a possible additional \$500 fine.⁴⁴

C. Government Sector Impact:

The bill’s impact on state and local revenues is indeterminate, as it is unknown how many violations may occur.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As noted, the bill strikes from state law the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016. Mirroring federal law is not necessary,⁴⁵ as once the FAA issues a rule, the state will be bound by its terms to the extent that any state statute conflicts with that rule. Moreover, the reference to the Extension Act of 2016 is outdated, as it is in the sunset provision

⁴² See GAO, *Unmanned Aircraft Systems: Current Jurisdictional, Property, and Privacy Legal Issues Regarding the Commercial and Recreational Use of Drones*, available at <https://www.gao.gov/products/b-330570> (last visited March 17, 2023).

⁴³ Section 775.082(4)(b), F.S.

⁴⁴ Section 775.083(1)(e), F.S.

⁴⁵ The FAA Office of the Chief Counsel previously opined: “Substantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft. If one or two municipalities enacted ordinances regulating UAS in the navigable airspace and a significant number of municipalities followed suit, fractionalized control of the navigable airspace could result. In turn, this ‘patchwork quilt’ of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring safety and an efficient air traffic flow. A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system. See *Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir. 2007), and *French v. Pan Am Express, Inc.*, 869 F.2d 1 (1st Cir. 1989); see also *Arizona v. U.S.*, 567 U.S. 387, 132 S. Ct. 2492, 2502 (2012) (“Where Congress occupies an entire field . . . even complimentary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is parallel to federal standards.”), and *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 386-87 (1992).” *Supra* note 1 at p. 2.

set out in s. 330.41(4)(e), F.S. Either reference in Florida Statutes, if retained, should reference the FAA Reauthorization Act of 2018 or its successor.

VIII. Statutes Affected:

This bill substantially amends section 330.41 of the Florida Statutes.

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on March 29, 2023:

The committee substitute:

- Adds additional facilities and structures, and removes railroad switching yard to the existing definition of “critical infrastructure facility,” and revises the definition of military installation within the definition; and
- Provides that effective on the same date that SB 264 or similar legislation takes effect the definition of “critical infrastructure facility” will include critical infrastructure facility as defined in s. 692.201, F.S.

CS by Transportation on March 14, 2023:

The committee substitute:

- Adds a number of other facilities and structures to the existing definition of “critical infrastructure facility,” and revises an existing definition.
- Removes a provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions.

- B. **Amendments:**

None.



493824

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 40 - 79

and insert:

8. A refinery.

9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

10.7. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.



493824

11 11. A seaport as listed in s. 311.09(1), which need not be
12 completely enclosed by a fence or other physical barrier and
13 need not be marked with a sign or signs indicating that entry is
14 forbidden.

15 12. An inland port or other facility or group of facilities
16 serving as a point of intermodal transfer of freight in a
17 specific area physically separated from a seaport.

18 13. An airport as defined in s. 330.27.

19 14. A spaceport territory as defined in s. 331.303(18).

20 15. A military installation as defined in 10 U.S.C. s.
21 2801(c)(4) and an armory as defined in s. 250.01.

22 16. A dam as defined in s. 373.403(1) or other structures,
23 such as locks, floodgates, or dikes, which are designed to
24 maintain or control the level of navigable waterways.

25 17.8. A state correctional institution as defined in s.
26 944.02 or a private correctional facility authorized under
27 chapter 957.

28 18.9. A secure detention center or facility, as defined in
29 s. 985.03, or a nonsecure residential facility, a high-risk
30 residential facility, or a maximum-risk residential facility, as
31 those terms are described in s. 985.03(44).

32 19.10. A county detention facility, as defined in s.
33 951.23.

34 (3) REGULATION.—

35 ~~(d) A person or governmental entity seeking to restrict or~~
36 ~~limit the operation of drones in close proximity to~~
37 ~~infrastructure or facilities that the person or governmental~~
38 ~~entity owns or operates must apply to the Federal Aviation~~
39 ~~Administration for such designation pursuant to s. 2209 of the~~



493824

~~FAA Extension, Safety, and Security Act of 2016.~~

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

~~(d) Subparagraph (a)1. does not apply to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.~~

~~(e)~~ This subsection and paragraph (2)(a) shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

Section 2. Effective on the same date that SB 264 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law, paragraph (a) of subsection (2) of section 330.41, Florida Statutes, as amended by this act, is amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. A power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.



493824

- 69 4. A mining facility.
- 70 5. A natural gas or compressed gas compressor station,
71 storage facility, or natural gas or compressed gas pipeline.
- 72 6. A liquid natural gas or propane gas terminal or storage
73 facility.
- 74 7. Any portion of an aboveground oil or gas pipeline.
- 75 8. A refinery.
- 76 9. A gas processing plant, including a plant used in the
77 processing, treatment, or fractionation of natural gas.
- 78 10. A wireless communications facility, including the
79 tower, antennae, support structures, and all associated ground-
80 based equipment.
- 81 11. A seaport as listed in s. 311.09(1), which need not be
82 completely enclosed by a fence or other physical barrier and
83 need not be marked with a sign or signs indicating that entry is
84 forbidden.
- 85 12. An inland port or other facility or group of facilities
86 serving as a point of intermodal transfer of freight in a
87 specific area physically separated from a seaport.
- 88 13. An airport as defined in s. 330.27.
- 89 14. A spaceport territory as defined in s. 331.303(18).
- 90 15. A military installation as defined in 10 U.S.C. s.
91 2801(c)(4) and an armory as defined in s. 250.01.
- 92 16. A dam as defined in s. 373.403(1) or other structures,
93 such as locks, floodgates, or dikes, which are designed to
94 maintain or control the level of navigable waterways.
- 95 17. A state correctional institution as defined in s.
96 944.02 or a private correctional facility authorized under
97 chapter 957.



493824

18. A secure detention center or facility, as defined in s.
985.03, or a nonsecure residential facility, a high-risk
residential facility, or a maximum-risk residential facility, as
those terms are described in s. 985.03(44).

19. A county detention facility, as defined in s. 951.23.

20. A critical infrastructure facility, as defined in s.
692.201.

Section 3. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete line 13

and insert:

facility"; providing effective dates.

By the Committee on Transportation; and Senator Rodriguez

596-02548-23

2023908c1

A bill to be entitled

An act relating to the Unmanned Aircraft Systems Act; amending s. 330.41, F.S.; revising the definition of the term "critical infrastructure facility"; deleting a requirement that a person or governmental entity apply to the Federal Aviation Administration to restrict or limit the operation of drones in specified areas; deleting a provision allowing a drone operating in transit for commercial purposes to operate over a critical infrastructure facility under certain circumstances; providing for the future sunset of the definition of the term "critical infrastructure facility"; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2), paragraph (d) of subsection (3), and paragraphs (d) and (e) of subsection (4) of section 330.41, Florida Statutes, are amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. ~~A~~ An electrical power generation or transmission facility, substation, switching station, or electrical control

Page 1 of 3

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

596-02548-23

2023908c1

center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

~~4.3-~~ A mining facility.

~~5.4-~~ A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

~~6.5-~~ A liquid natural gas or propane gas terminal or storage facility ~~with a capacity of 4,000 gallons or more.~~

~~7.6-~~ Any portion of an aboveground oil or gas pipeline.

~~8.7-~~ A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

9. A deepwater port listed in s. 311.09(1) or a railroad switching yard. However, such deepwater port need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

10. An airport as defined in s. 330.27.

11. A spaceport territory as defined in s. 331.303(18).

12. A military installation listed in s. 163.3175(2).

13. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

~~14.8-~~ A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

~~15.9-~~ A secure detention center or facility, as defined in s. 985.03, or a nonsecure residential facility, a high-risk

Page 2 of 3

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

596-02548-23

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residential facility, or a maximum-risk residential facility, as those terms are described in s. 985.03(44).

~~16.10.~~ A county detention facility, as defined in s. 951.23.

(3) REGULATION.—

~~(d) A person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates must apply to the Federal Aviation Administration for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.~~

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

~~(d) Subparagraph (a)1. does not apply to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.~~

~~(e)~~ This subsection and paragraph (2)(a) shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

Section 2. This act shall take effect July 1, 2023.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 14, 2023

I respectfully request that **CS/SB 908**, relating to Unmanned Aircraft Systems Act, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 40

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/29/03
Meeting Date

908
Bill Number (if applicable)

Topic UNMANNED AIRCRAFT (Drones)

Amendment Barcode (if applicable)

Name Michael Rubin

Job Title President

Address 500 E Jefferson St
Street

Phone 850-443-0722

Tall FL 32301
City State Zip

Email MRubin@FLAFTIS.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Ports Council

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)

3/29/2023

Meeting Date

Military and Veteran Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

908

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Robert Stuart**

Phone **850-577-9090**

Address **301 S Bronough Street, Suite 600**

Email **robert.stuart@gray-robinson.com**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Canaveral Port Authority

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/29/23

Meeting Date

SB 908

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tanner Warwick

Job Title _____

Address 516 N Adams St

Phone 850 728-8419

Street

Tallahassee

City

FL

State

32301

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
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 1318

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

SUBJECT: Spaceflight Entity Liability

DATE: March 30, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Proctor	MS	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Under s. 331.501, F.S., a spaceflight entity is not liable for the injury to or death of a spaceflight participant or crew resulting from the spaceflight activities, so long as a required warning form is provided and signed. The immunity from liability does not apply in certain circumstances.

CS/SB 1318 amends s. 331.501, F.S., to define the term “crew” to include the federal definitions for the terms “crew” and “government astronaut,” which includes any employee, contractor or subcontractor of a licensee or transferee, who performs activities directly related to the launch, reentry, or other operation of or in a launch vehicle or reentry vehicle that carries human beings.

In addition, the bill extends the limited immunity from liability held by spaceflight entities to also include crew members who would be required, along with participants, to sign a modified waiver. The bill modifies the liability language to require the spaceflight entity to have actual knowledge of an extraordinarily dangerous condition rather than actual knowledge of a dangerous condition or reasonable knowledge of a dangerous condition. Furthermore, the extraordinarily dangerous condition must be one that is not inherent in spaceflight activities.

The bill may have an indeterminate, though unlikely, impact on state and local governments. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Spaceflight Entity

A “spaceflight entity” is a public or private entity that holds a United States Federal Aviation Administration (FAA) launch, reentry, operator, or launch site license for spaceflight activities. The term also includes a manufacturer or supplier of components, services, or vehicles that have been reviewed by the FAA as part of issuing such a license, permit, or authorization.

A “participant” is defined as a “spaceflight participant” as that term is defined under federal law, which is an individual who is not crew or a government astronaut carried within a launch vehicle or reentry vehicle.¹

Current state law shields a public or private spaceflight entity from liability for ordinary negligence towards any participant as long as the participant signs a specified warning statement advising of such liability limitation.² Immunity is not granted to a spaceflight entity, even with a signed waiver, if the spaceflight entity:

- Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant which proximately causes the injury or death of the participant;
- Has actual knowledge or reasonably should have known of a dangerous condition on the land or in the facilities or equipment used in the spaceflight activities which proximately causes the injury or death of the participant; or
- Intentionally injures the participant.

To be valid, the spaceflight entity must provide to the participant the following warning statement and have the participant sign the statement:³

WARNING: Under Florida law, there is no liability for an injury to or death of a participant or crew in a spaceflight activity provided by a spaceflight entity if such injury or death results from the inherent risks of the spaceflight activity. Injuries caused by the inherent risks of spaceflight activities may include, among others, injury to land, equipment, persons, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this spaceflight activity.⁴

Negligence

As developed by the common law, a cause of action for negligence arises where one's “failure to use that degree of care which a reasonably careful person would use under like circumstances”

¹ See 51 U.S.C. s. 50902.

² Section 331.501, F.S.

³ Section 331.501(3), F.S.

⁴ Section 331.501(3)(b), F.S.

causes injury. Common law negligence is open-ended and divorced from intent, “allow[ing] the plaintiff to claim that any given conduct was negligent.”⁵

While negligence has its roots in common law, legislative enactments play a role in shaping standards of conduct.⁶ Proof that a defendant violated a statute can be categorized in a negligence case in one of three ways, depending on the statute's purpose:

- Violation of a strict liability statute designed to protect a particular class of persons who are unable to protect themselves, constituting negligence per se;
- Violation of a statute establishing a duty to take precautions to protect a particular class of persons from a particular type of injury, also constituting negligence per se; or
- Violation of any other kind of statute, constituting mere prima facie evidence of negligence.⁷

Workers’ Compensation

Workers’ Compensation is a no-fault system that provides medical benefits and compensation for lost wages when an employee is injured or killed in the course of employment. In addition to on-the-job injuries, employers may be required to provide benefits if an occupational disease causes death or disablement, due to the nature of the employee’s occupation, and the employee contracted the disease while on the job.

Employers must secure workers’ compensation coverage and may do so by purchasing insurance from an authorized carrier or through an employee-leasing agreement, qualifying as a self-insurer, or purchasing coverage from the Florida Workers’ Compensation Joint Underwriting Association, Inc., which is the state-sponsored insurer of last resort.⁸ In return for providing compensation, the employer is relieved of liability for workplace injuries, and may only be sued for intentional acts that result in injury or death.⁹ Florida’s workers’ compensation system is administered by the Department of Financial Services, Division of Workers’ Compensation.

III. Effect of Proposed Changes:

CS/SB 1318 amends s. 331.501, F.S., to provide a definition for the term “crew” by incorporating two separate federal terms, “crew” and “government astronaut” and cross-referencing the federal definitions:

“Crew” means any employee of a licensee or transferee or of a contractor or subcontractor of a licensee or transferee, who performs activities in the course of that employment directly relating to the launch, reentry, or other operation of or in a launch vehicle or reentry or reentry vehicle that carries human beings.¹⁰

⁵ *Kohl v. Kohl*, 149 So. 3d 127, 131-32 (Fla. 4th DCA 2014) (citing Dan B. Dobbs et al., *on the Law of Torts* s. 110 at 257 (2000)).

⁶ *Kohl v. Kohl*, 149 So. 3d 127, 131-32 (Fla. 4th DCA 2014) (citing W. Page Keeton et al., *on the Law of Torts* s. 35 (3d ed. 1964)).

⁷ *Id.*

⁸ Section 627.311(5)(a), F.S.

⁹ Sections 440.015, 440.09, 440.10, 440.38, and 627.313, F.S.

¹⁰ 51 U.S.C. 50902(2).

“Government astronaut” means an individual who is designated by the National Aeronautics and Space Administration under section 20113(n); carried within a launch vehicle or reentry vehicle in the course of his or her employment, which may include performance of activities directly related to the launch, reentry, or other operation of the launch vehicle or reentry vehicle; and either an employee of the United States Government, including the uniformed services, engaged in the performance of a Federal function under authority of law or an Executive act or an international partner astronaut.¹¹

The definition for the term “spaceflight activities” is expanded to include any activities which occur between launch and landing and not just those activities defined under federal law, such as launch and landing activities only. The bill also modifies “spaceflight entity” to include anyone holding the appropriate licensure from the United States Government to conduct spaceflight activities.

The bill extends the liability immunity held by spaceflight entities towards spaceflight participants to include crew who sign the warning statement provided for in law. If either the participant or the crew fails to sign the warning statement, the spaceflight entity will be prevented from invoking the privileges of immunity. The liability language is modified to require the spaceflight entity to have *actual knowledge of an extraordinarily dangerous condition* rather than actual knowledge of a dangerous condition or reasonable knowledge of a dangerous condition. Furthermore, the extraordinarily dangerous condition must be one that *is not inherent*¹² in spaceflight activities and that the associated danger proximately causes injury, damage, or death to the participant or crew for the immunity shield to be pierced. (*emphasis added*).

Under the bill, the revised statement must be signed by each participant or crew participating in spaceflight activities on or off the launch site. The revised statement reads:

WARNING: Under Florida law, there is no liability for an injury to or death of a participant or crew in a spaceflight activity provided by a spaceflight entity if such injury or death results from the spaceflight activities. Injuries caused by the spaceflight activities may include, among others, injury to land, equipment, persons, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this spaceflight activity.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ 51 U.S.C. 50902(4).

¹² According to Black’s Law Dictionary (11th ed. 2019), something is “inherently dangerous” when it is (Of an activity or thing) requiring special precautions at all times to avoid injury; dangerous per se.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Access to Courts

Section 21 of Article I of the State Constitution reads, “The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.” Justice Adkins writing for the majority opinion in *Kluger v. White* further said:

We hold, therefore, that where a right of access to the courts for redress for a particular injury has been provided by statutory law predating the adoption of the Declaration of Rights of the Constitution of the State of Florida, or where such right has become a part of the common law of the State pursuant to Fla. Stat. s. 201, the Legislature is without power to abolish such a right without providing a reasonable alternative to protect the rights of the people of the State to redress for injuries, unless the Legislature can show an overpowering public necessity for the abolishment of such right, and no alternative method of meeting such public necessity can be shown.¹³

The scope of the access-to-courts provision has been addressed by both the federal and Florida courts on multiple occasions. Federal courts used their equity powers to create remedies through common law where the statutes had failed to legislate private rights of actions. In *Guaranty Trust Co. v. York* in 1945, the United States Supreme Court hearing a case in diversity, noted that the case was brought on the equity side and they were not bound to apply state law in their decision.¹⁴ Delivering the opinion, Justice Frankfurter noted that just because a state case was in a federal court did it mean that only state equitable relief or only federal equitable relief was available, only that “the suit must be within the traditional scope of equity as historically evolved in the English Court of Chancery.”¹⁵

In 1973 in *Kluger v. White*,¹⁶ the Florida Supreme Court interpreted the access-to-courts guarantee to mean that the legislature cannot abolish a statutory or common law right that

¹³ *Kluger v. White*, 281 So. 2d 1 (Fla. 1973).

¹⁴ *Guaranty Trust Co. v. York*, 326 U.S. 99, 101 (1945).

¹⁵ *Id.* at 105.

¹⁶ 281 So.2d 1 (Fla. 1973).

existed prior to the adoption of the Declaration of Rights without providing a reasonable alternative, unless the legislature can show an overpowering public necessity for the abolishment of such right, and no alternative method of meeting such public necessity can be shown. Though *Kluger* spoke in terms of total abolishment of a right, the scope of the protection extends to circumstances in which legislative action significantly obstructs the right to access to the courts.

Thus, a statute restricting access to the courts is not permitted unless one of the *Kluger* exceptions is met: (i) the legislature provides a reasonable alternative remedy or commensurate benefit; or (ii) the legislature makes a showing of overpowering public necessity for the abolishment of the right and no alternative method of meeting such public necessity.”

Whether or not the immunity waiver which spaceflight participants and crew are being asked to execute would be in violation of this long-standing interpretation is not exactly clear. Nor is it clear if in lieu of this immunity waiver, these participants or crew would be or could be covered by workers’ compensation coverage and the ramifications for that decision. It is possible that like first responders or those who suffered from asbestos poisoning, the after effects of that exposure was sometimes not known until after treatment deadlines leaving those participants without any remedy, except to seek an equitable one in the courts.

The United States and Florida Supreme Courts have looked more favorably on legislative authority over court-made remedies in more recent opinions. Equitable remedies are still a tool in the legal toolbox, but the courts have also become more sensitive to their role and left more of the lawmaking to the Congress and state legislatures.

Starting as early 1948, many tort cases’ court opinions included discussions about the balance between maintaining traditional and long-standing common law at both federal and state law and not destroying those causes of action upon a mere whim.¹⁷ In *Rotwein v. Gersten*, the Florida Supreme Court upheld enactment of a statute which abolished certain common law crimes of extortion, such as alienation of affection, criminal conversation, seduction, and breach of contract to marry.¹⁸ The courts have noted the ever evolving character of common law negligence and that one of common law’s greatest virtues is its dynamic nature and adaptability.¹⁹ Most recently, the United States Supreme Court considered expanding the pool of potential actions and individuals that could fall under the Federal Tort Claims Act which bars any claim arising in a foreign country.²⁰ In *Hernandez*, the court determined that with the demise of federal common law, a federal court’s authority to recognize a damages remedy must rest at bottom on a statute enacted by Congress.²¹

¹⁷ *Kluger v. White*, 281 So. 2d 1 (Fla. 1973).

¹⁸ *Rotwein v. Gersten*, 36 So. 2d 419 (Fla. 1948). These actions were codified under ch. 771, FLA. STAT.; quoted in Florida State University Law Review, 2 Fla. St. U. L. Rev. 178 (1974).

¹⁹ *Supra* note 6.

²⁰ 28 U.S.C. s. 2680(k) as quoted in *Hernandez et al v. Mesa*, 589 U.S. _____ (2020).

²¹ *Hernandez et al v. Mesa*, 589 U.S. _____ (2020). In *Hernandez*, the court would have had to recognize a claim against an American Border Patrol Agent who shot and killed a 15-year old Mexican boy on the Mexican side of the border. Absent no

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

None.

B. Private Sector Impact:

The bill grants limited civil liability immunity to a spaceflight entity for injury to or death of a crew member or participant resulting from the risks of spaceflight activities, as long as the required warning is given to and signed by the participants and crew members. This bill has the potential to limit the cost of litigation to businesses engaging in spaceflight activities.

C. Government Sector Impact:

The bill may have an indeterminate, though unlikely, impact on state and local governments to the extent that additional individuals will have assumed the risk for their spaceflight activities and may incur medical and other costs that may be borne by public health care systems if injured or harmed by their spaceflight activities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 331.501 of the Florida Statutes.

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

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute:

- Adopts the federal definitions of the terms “crew” and “government astronaut” under a combined definition of “crew” and modified the definition for “spaceflight activities” to include those activities occurring between the launch and landing. The term “spaceflight entity” was updated to incorporate any space flight activities approved by the United States government.

charges being filed against the agent, the family of Mr. Hernandez wanted the agent extradited to Mexico which the United States refused. The Department of Justice had concluded that Agent Mesa had not violated any policies.

- Expands the immunity from liability for spaceflight activities to include all spaceflight activities and not just those which were inherently dangerous for participants and crew. The immunity would preclude recovery by a participant, a participant's representative, crew, or a crew's representative in case of injury so long as the warning was signed.
- Amends the liability waiver signed by the participants and crew and replaced the spaceflight entity's liability obligation from requiring actual or reasonable knowledge of a dangerous condition on the land or in the facilities or equipment used in spaceflight activities with a new standard that would require showing that the spaceflight entity had actual knowledge of an extraordinarily dangerous condition that is not inherent in spaceflight activities and the danger proximately causes injury, damage, or death to the participant or crew.
- Requires both crew and participants to sign the warning statement.

B. Amendments:

None.



532346

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 331.501, Florida Statutes, is amended to
read:

331.501 Spaceflight; informed consent.—

(1) For purposes of this section, the term:

(a) "Crew" means a crew or government astronauts as those
terms are defined in 51 U.S.C. s. 50902.



532346

11 (b)~~(a)~~ "Participant" means a ~~any~~ spaceflight participant as
12 ~~that term is~~ defined in 51 U.S.C. s. 50902.

13 (c)~~(b)~~ "Spaceflight activities" means launch services or
14 reentry services as those terms are defined in 51 U.S.C. s.
15 50902 as well as activities occurring between launch and
16 landing.

17 (d)~~(e)~~ "Spaceflight entity" means a ~~any~~ public or private
18 entity holding a United States Federal Aviation Administration
19 launch, reentry, operator, or launch site license for
20 spaceflight activities or which is otherwise authorized by the
21 United States Government to conduct spaceflight activities. The
22 term also includes a ~~any~~ manufacturer or supplier of spaceflight
23 components, services, or vehicles ~~that have been reviewed by the~~
24 ~~United States Federal Aviation Administration as part of issuing~~
25 ~~such a license, permit, or authorization~~.

26 (2) (a) Except as provided in paragraph (b), a spaceflight
27 entity is not liable for injury to or death of a participant or
28 crew resulting from ~~the inherent risks of~~ spaceflight activities
29 so long as the warning contained in subsection (3) is
30 distributed and signed as required. Except as provided in
31 paragraph (b), a participant, ~~or~~ participant's representative,
32 crew, or crew's representative may not maintain an action
33 against or recover from a spaceflight entity for the loss,
34 damage, or death of the participant or crew resulting
35 exclusively from ~~any of the inherent risks of~~ spaceflight
36 activities.

37 (b) Paragraph (a) does not prevent or limit the liability
38 of a spaceflight entity if the spaceflight entity does any ~~one~~
39 ~~or more~~ of the following:



532346

1. Commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant or crew, which ~~and that~~ act or omission proximately causes injury, damage, or death to the participant or crew;

2. Has actual knowledge ~~or reasonably should have known~~ of an extraordinarily & dangerous condition that is not inherent in ~~on the land or in the facilities or equipment used in the~~ spaceflight activities and the danger proximately causes injury, damage, or death to the participant or crew; or

3. Intentionally injures the participant or crew.

(c) Any limitation on legal liability afforded by this subsection to a spaceflight entity is in addition to any other limitation of legal liability otherwise provided by law.

(3)(a) Every spaceflight entity providing spaceflight activities ~~to a participant~~, whether such activities occur on or off a launch ~~the site of a facility capable of launching a suborbital flight~~, shall have each participant or crew sign the warning statement specified in paragraph (b).

(b) The warning statement described in paragraph (a) must ~~shall~~ contain, at a minimum, the following statement:

“WARNING: Under Florida law, there is no liability for an injury to or death of a participant or crew in a spaceflight activity provided by a spaceflight entity if such injury or death results from ~~the inherent risks of~~ the spaceflight activity. Injuries caused by ~~the inherent risks of~~ spaceflight activities may include, among others, injury to land, equipment, persons, and animals, as well as the potential for you



532346

to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this spaceflight activity.”

(c) Failure to comply with the warning statement requirements in this section shall prevent a spaceflight entity from invoking the privileges of immunity provided by this section.

Section 2. This act shall take effect July 1, 2023.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to spaceflight entity liability; amending s. 331.501, F.S.; defining the term “crew”; revising definitions; exempting a spaceflight entity from liability for injury to or death of a crew resulting from spaceflight activities under certain circumstances; revising exceptions; requiring a spaceflight entity to have a crew sign a specified warning statement; revising the contents of the warning statement; providing an effective date.

By Senator Wright

8-01133-23

20231318__

1 A bill to be entitled
 2 An act relating to spaceflight entity liability;
 3 amending s. 331.501, F.S.; defining the term "crew";
 4 exempting a spaceflight entity from liability for
 5 injury to or death of a crew resulting from the
 6 inherent risks of spaceflight activities under certain
 7 circumstances; providing exceptions; providing
 8 construction; requiring a spaceflight entity to have a
 9 crew sign a specified warning statement; revoking
 10 immunity privileges for a noncompliant spaceflight
 11 entity; providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Section 331.501, Florida Statutes, is amended to
 16 read:
 17 331.501 Spaceflight; informed consent.—
 18 (1) For purposes of this section, the term:
 19 (a) "Crew" means a crew as defined in 51 U.S.C. s. 50902.
 20 (b) (a) "Participant" means a any spaceflight participant as
 21 that term is defined in 51 U.S.C. s. 50902.
 22 (c) (b) "Spaceflight activities" means launch services or
 23 reentry services as ~~those terms are~~ defined in 51 U.S.C. s.
 24 50902.
 25 (d) (c) "Spaceflight entity" means a any public or private
 26 entity holding a United States Federal Aviation Administration
 27 launch, reentry, operator, or launch site license for
 28 spaceflight activities. The term also includes a any
 29 manufacturer or supplier of components, services, or vehicles

Page 1 of 3

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

8-01133-23

20231318__

30 that have been reviewed by the United States Federal Aviation
 31 Administration as part of issuing such a license, permit, or
 32 authorization.
 33 (2) (a) Except as provided in paragraph (b), a spaceflight
 34 entity is not liable for injury to or death of a participant or
 35 crew resulting from the inherent risks of spaceflight activities
 36 so long as the warning contained in subsection (3) is
 37 distributed and signed as required. Except as provided in
 38 paragraph (b), a participant, ~~or~~ participant's representative,
 39 crew, or crew's representative may not maintain an action
 40 against or recover from a spaceflight entity for the loss,
 41 damage, or death of the participant or crew resulting
 42 exclusively from any of the inherent risks of spaceflight
 43 activities.
 44 (b) Paragraph (a) does not prevent or limit the liability
 45 of a spaceflight entity if the spaceflight entity does any ~~one~~
 46 ~~or more~~ of the following:
 47 1. Commits an act or omission that constitutes gross
 48 negligence or willful or wanton disregard for the safety of the
 49 participant or crew, which ~~and that~~ act or omission proximately
 50 causes injury, damage, or death to the participant or crew;
 51 2. Has actual knowledge or reasonably should have known of
 52 a dangerous condition on the land or in the facilities or
 53 equipment used in the spaceflight activities, which ~~and the~~
 54 danger proximately causes injury, damage, or death to the
 55 participant or crew; or
 56 3. Intentionally injures the participant or crew.
 57 (c) Any limitation on legal liability afforded by this
 58 subsection to a spaceflight entity is in addition to any other

Page 2 of 3

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

8-01133-23

20231318__

59 limitation of legal liability otherwise provided by law.

60 (3) (a) Every spaceflight entity providing spaceflight
61 activities to a participant or crew, whether such activities
62 occur on or off the site of a facility capable of launching a
63 suborbital flight, shall have each participant or crew sign the
64 warning statement specified in paragraph (b).

65 (b) The warning statement described in paragraph (a) must
66 ~~shall~~ contain, at a minimum, the following statement:

67
68 "WARNING: Under Florida law, there is no liability for an injury
69 to or death of a participant or crew in a spaceflight activity
70 provided by a spaceflight entity if such injury or death results
71 from the inherent risks of the spaceflight activity. Injuries
72 caused by the inherent risks of spaceflight activities may
73 include, among others, injury to land, equipment, persons, and
74 animals, as well as the potential for you to act in a negligent
75 manner that may contribute to your injury or death. You are
76 assuming the risk of participating in this spaceflight
77 activity."

78
79 (c) Failure to comply with the warning statement
80 requirements in this section shall prevent a spaceflight entity
81 from invoking the privileges of immunity provided by this
82 section.

83 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 1318

Bill Number or Topic

532 346

Amendment Barcode (if applicable)

3/29/23

Meeting Date

Military Affairs

Committee

Name

JEFF SHARKEY

Phone

850 224 1600

Address

100 E Collyer Ave # 1110

Email

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Street

Tallah

FL

32301

City

State

Zip

Speaking:

☒ For

☐ Against

☒ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

SPACE X

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/29/23

Meeting Date

1318

Bill Number (if applicable)

Topic Spaceflight Entity Liability

Amendment Barcode (if applicable)

Name Lindsay Pierce

Job Title Director of Gov. Relations

Address 113 College

Street

TLH

City

FL

State

32301

Zip

Phone 334-268-8282

Email lpierce@spaceflorida.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Space Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1480

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

SUBJECT: Grants for Nonprofit Organization Safety

DATE: March 29, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lloyd</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>ATD</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>FP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1480 creates the Nonprofit Security Grant Program (Program) in the Division of Emergency Management (division). The Program's purpose is to award grants to nonprofit entities that are at high risk for violence and hate crimes. The minimum grant award is \$10,000 and the maximum grant award is \$150,000. The grant funds may be used for the hiring and training of security personnel and staff, and to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting and fencing;
- Door hardening;
- Security camera systems;
- Barriers and bollards;
- Blast-resistant film; and
- Shatter-resistant glass for windows.

The bill appropriates, for the 2023-2024 fiscal year, \$15 million in nonrecurring funds from the General Revenue Fund to the division for the Program.

The Program is repealed on January 1, 2028, unless saved from repeal by the Legislature.

The bill is effective July 1, 2023.

II. Present Situation:

Federal Emergency Management Agency

For more than 40 years, the mission of the Federal Emergency Management Agency (FEMA) has been focused on helping citizens recover from disasters before, during, and after the event. The FEMA has made a formal commitment to build resilience and develop a culture of preparedness across the country and to unify all levels of community and government in an integrated approach to emergency management.¹ To achieve those goals, the FEMA coordinates several grant programs and cooperative agreements with funds available for pre- and post-emergency or disaster related projects. The FEMA grants support recovery initiatives, research, and many other programs, and are the principal mechanism used by the FEMA to award federal funding to state, local, tribal, territorial, certain private nonprofits, individuals, and institutions of higher learning.²

One major category for FEMA grant funding are the Preparedness Grants, such as the FEMA Nonprofit Security Grant Program (NSGP) which is one of three grant programs supporting the comprehensive measures authorized by Congress enabling the Department of Homeland Security (DHS) and the FEMA to help strengthen the nation's communities against extremist attacks.³

These grants support first responders to ensure their coordination to protect against, respond to, and recover from issues of terrorism and other emergencies.⁴ The NSGP also provides funding support for target hardening and physical security enhancements to nonprofit organizations that are at high risk of terrorist attack.⁵ The intent of NSGPs is to promote preparedness activities among state and local governments and agencies, emphasizing coordination with public and private community representatives.⁶

Funding allocated under the NSGP is further broken down by two categories: Urban Area (UA) and State (NSGP-S). Funds allocated to UA are awarded to nonprofit organizations located within one of the Urban Area Security Initiative designated high-risk urban areas. The NSGP-S funding is for nonprofit organizations located outside of the high-risk urban areas.⁷

The designated State Administrative Agency (SAA) is the only entity eligible to apply for the NSGP funds. The SAA applies to the FEMA for available funding on behalf of the eligible nonprofit organizations.⁸ For federal FY 2023, the DHS is providing \$305 million for facility hardening and other physical security enhancements for eligible nonprofit organizations.⁹

¹ FEMA, *Fiscal Year 2023 Preparedness Grant Manual*, pg. 7, available at https://www.fema.gov/sites/default/files/documents/fema_gpd-fy-23-preparedness-grants-manual.pdf (last visited March 26, 2023)

² *Id.*

³ FEMA, *FY 2023 Nonprofit Security Grant Program Fact Sheet*, available at <https://www.fema.gov/grants/preparedness/nonprofit-security> (last visited March 27, 2023).

⁴ FEMA, *Preparedness Grants*, available at <https://www.fema.gov/grants/preparedness> (last visited March 24, 2023.)

⁵ FEMA, *FEMA Grants*, available at www.fema.gov/grants (last visited March 24, 2023).

⁶ *Id.*

⁷ *Id.*

⁸ *Supra* note 3 at 2.

⁹ *Supra* note 3 at 1.

Florida Department of Emergency Management

In the State Emergency Management Act (Act), the Legislature created the division within the Executive Office of the Governor.¹⁰ The division is responsible for “maintaining a comprehensive statewide program of emergency management.”¹¹ Among its duties, the division is responsible for:

- Preparing a state comprehensive emergency management plan that is integrated with the emergency plans and programs of the Federal Government;
- Having a shelter component that promotes coordination of activities between public, private, and nonprofit entities and which meet certain minimum standards;
- Developing a postdisaster response and recovery program that includes regional and interregional planning provisions and promotes intergovernmental coordination of activities;
- Addressing the need for a coordinated and expeditious deployment of state resources, including the predeployment of the Florida National Guard;
- Establishing a communication and warning system to ensure that both the public and emergency management agencies are warned of developing emergency situations;
- Scheduling a guidelines and timelines for annual exercises to test agencies’ responses to different disaster levels; and
- Assigning responsibilities to state agencies and personnel for emergency support functions and other activities.¹²

In the case of an emergency, the Governor, or in the Governor’s absence, her or his successor as provided by law, may assume direct operational control over any or all parts of the emergency management functions within the state.¹³ The Governor may issue executive orders, proclamations, and rules and such items have the full force and effect of law.¹⁴ An executive order, proclamation, or rule issued under an emergency is valid for no more than 60 days and may be renewed, if necessary. If renewed, the executive order, proclamation, or rule is required to state with specificity which provisions are being renewed. Other specific renewals may have other requirements to approval of further extensions.¹⁵

The division is also required to cooperate with various partners in emergency management and must:

- Cooperate with the President of the United States, the heads of the Armed Forces, the various federal emergency management agencies, and the officers and agencies of other states in matter relating to emergency management in the state and nation;¹⁶
- Coordinate federal, state, and local emergency management activities and take all other steps to ensure the availability of adequately trained and equipped forces of emergency management personnel before, during, and after emergencies and disasters;¹⁷

¹⁰ See ss. 252.32 and 252.34(3), F.S.

¹¹ Section 252.35(1), F.S.

¹² Section 252.35, F.S.

¹³ Section 252.36(1)(a), F.S.

¹⁴ Section 252.36(1)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 252.35(2)(e), F.S.

¹⁷ Section 252.35(2)(1), F.S.

- Cooperate with the Federal Government and any public and private entity in achieving any purpose of the Act and in implementing programs for mitigation, preparation, response, and recovery.¹⁸

In its role as SAA for the NSGP, DEM regularly publishes an application guide for organizations to use for a variety of federal emergency grants, including the NSGP on its website.¹⁹ The application guide provides important program information, including identification of key differences from the prior year's application, deadlines, funding restrictions, and permitted grant activities.²⁰

For the FY 2023 application, the DHS has identified the protection of soft targets or crowded places as a national priority with three second-tier priorities of:

- Effective planning;
- Training and awareness campaigns; and
- Exercises.²¹

More specific needs and goals are detailed within each of the priorities. Eligible nonprofit organizations, as defined by the NSGP, apply through an application released by the division.²²

III. Effect of Proposed Changes:

CS/SB 1480 creates the Florida Nonprofit Security Grant Program under a new section of law, s. 252.3712, F.S., in the Division of Emergency Management which is modeled after the federal program. The Program provides grant awards to eligible nonprofit organizations, including houses of worship and community centers, which are at high risk for violent attacks or hate crimes.

The grants may be used to increase safety and security, including, but not limited to, the purchase and installation of:

- Security infrastructure;
- Perimeter lighting;
- Door hardening;
- Security camera systems;
- Perimeter fencing;

¹⁸ Section 252.35(2)(u), F.S.

¹⁹ See Florida Division of Emergency Mgm't, available at: <https://www.floridadisaster.org/dem/preparedness/grants-unit/> (last visited March 26, 2023). The FDEM website includes information about the FY 2023 application process, identification of key changes in the process, a list of frequently asked questions, an application guide, and self-assessment guide.

²⁰ Florida Division of Emergency Mgm't, Preparedness Bureau, *Nonprofit Security Grant Program – FY 2023 Application Guide* (March 2023), pg. 5, available at <https://portal.floridadisaster.org/preparedness/External/Grants-Unit/Nonprofit%20Security%20Grant%20Program/FY23/2023%20Florida%20NSGP%20Application%20Guide%2003.03.23%20-%20FINAL.pdf> (last visited March 26, 2023).

²¹ *Id.*

²² *Supra* note 20 at 6-7. Eligible entities are those entities who are described under section 502(c)(3) of the Internal Revenue Code and exempt from tax under section 501(a) of that same code; can demonstrate through the application that the organization is at high risk of a terrorist or other extremist attack; and is located within one of the Urban Area Security Initiative designated areas. For FY 2023, those areas are Jacksonville, Tampa, Orlando, and Miami/Fort Lauderdale.

- Barriers and bollards;²³
- Blast-resistant film; and
- Shatter-resistant glass for windows.

Grant funds may also be used towards hiring security personnel and training security personnel and staff on threat awareness, emergency procedures, and first aid.

The minimum grant award established in the bill is \$10,000 and the maximum grant award is \$150,000; however, the total amount available in any given year is contingent upon the funding appropriated to the Program. The division is directed to adopt rules to administer the Program which include criteria for awarding grant funds to:

- An owner of a facility for hardening security measures;
- An owner or renter of a facility for nonhardening security measures; and
- An owner or renter of a facility that have been operational for a period of at least 6 months or that has received a number of threats based on need.

The division may use up to 3 percent of any appropriation for the administration of the Program.

The bill provides the Program will be automatically repealed on January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill appropriates, for the 2023-2024 fiscal year, \$15 million in nonrecurring funds from the General Revenue fund to the division for the purpose of implementing the Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²³ A bollard is a short sturdy post that is often used to protect the perimeter of a store and ensure the safety of the patrons. See Julia Donigian, *What are bollards and why do we need them?*, available at <https://www.mccue.com/blog/what-is-a-safety-bollard> (last visited March 24, 2023).

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Nonprofit organizations that are at high risk for violent attacks or hate crimes which meet the application criteria may be eligible to receive a grant for the purchase and installation of security infrastructure or the addition of security and other staff. Additionally, the installation of security infrastructure or the addition of security and other staff may also lead to safer communities and lower crimes rates.

C. Government Sector Impact:

The bill appropriates, for the 2023-2024 fiscal year, \$15 million in nonrecurring funds from the General Revenue Fund to the division for the Program. The division may use up to 3 percent of any appropriation for the administration of the Program.

The division is also directed to adopt rules which include specific selection criteria for grant funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 252.3712 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute requires the division to adopt rules with criteria for the selection of grant awards by type of activity, minimum length of operations of at least 6 months by the facility, and determination of need by number of threats received.

B. Amendments:

None.

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



686232

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2023	.	
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	.	

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

Senate Amendment

Delete line 39
and insert:
section, including rules providing for all of the following:
(a) Criteria for the awarding of grant funds to an owner of
a facility for hardening security measures.
(b) Criteria for the awarding of grant funds to an owner or
a renter of a facility for nonhardening security measures.
(c) Criteria for establishing the need for grant funds to



686232

11 be awarded to an owner or a renter of a facility that has been
12 operational for a period of at least 6 months or that has
13 received a sufficient number of threats.

By Senator Calatayud

38-01827B-23

20231480__

A bill to be entitled

An act relating to grants for nonprofit organization safety; creating s. 252.3712, F.S.; requiring the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program; requiring the division to adopt rules; providing for future repeal; providing an appropriation; providing an effective date.

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

Section 1. Section 252.3712, Florida Statutes, is created to read:

252.3712 Nonprofit Security Grant Program.—

(1) The division shall establish a Nonprofit Security Grant Program that shall consist of funds appropriated by the Legislature to nonprofit organizations, including houses of worship and community centers, that are at high risk for violent attacks or hate crimes. The grants may be used to increase security and safety, including, but not limited to:

(a) The purchase and installation of security infrastructure, perimeter lighting, door hardening, security camera systems, perimeter fencing, barriers and bollards, and blast-resistant film and shatter-resistant glass for windows.

(b) Hiring security personnel.

Page 1 of 2

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

38-01827B-23

20231480__

(c) Training for security personnel and staff on threat awareness, emergency procedures, and first aid.

(2) The minimum amount of any grant award is \$10,000, and the maximum grant award amount is \$150,000. The total amount of funds available for the program is limited to the amount appropriated by the Legislature.

(3) The division may use up to 3 percent of the total amount appropriated to administer the grant program.

(4) The division shall adopt rules to administer this section.

(5) This section is repealed January 1, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. For the 2023-2024 fiscal year, the sum of \$15 million in nonrecurring funds is appropriated from the General Revenue Fund to the Division of Emergency Management for the purpose of implementing this act.

Section 3. This act shall take effect July 1, 2023.

Page 2 of 2

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



SENATOR Alexis M. Calatayud
38th District

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, Chair
Appropriations Committee on Education
Appropriations Committee of Health and Human
Services
Education Pre-K 12
Fiscal Policy
Health Policy
Military and Veterans Affairs, Space and Domestic
Security
Select Committee on Resiliency

March 14th, 2023

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

Honorable Chair Wright,

I respectfully request SB 1480 Grants for Nonprofit Organization Safety be placed on the next committee agenda.

This bill requires the Division of Emergency Management to establish a specified grant program; providing eligibility requirements; requiring the grants to be used for certain purposes; providing limitations on the amount of grant awards; authorizing the division to use a certain amount of funding for administration of the program.

Sincerely,

Alexis M. Calatayud

Senator Alexis M. Calatayud
Florida Senate, District 38

CC: Tim Proctor, Staff Director
Michele Ingram, Committee Administrative Assistant

REPLY TO:

- ☐ 11011 SW 101st St, STE 5101, Miami Florida 33176 (305) 596-3002
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5038

Senate's Website: www.flsenate.gov

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, Chair
Appropriations Committee on Education
Appropriations Committee of Health and
Human Services
Education Pre-K 12
Fiscal Policy
Health Policy
Military and Veterans Affairs, Space and
Domestic Security
Select Committee on Resiliency

SENATOR Alexis Calatayud
38th District

March 29, 2023

The Honorable Tom A. Wright
Chair
Committee on Military and Veterans Affairs, Space and Domestic Security

REF: Request that SB 1480 Grants for Non-Profit Organizations be presented by Senator Rodriguez

Honorable Chair Wright,

I ask that Senator Rodriguez be allowed to present SB 1480 Grants for Non-Profit Organization Safety. Senator Rodriguez has graciously accepted to do so, if you have any questions please feel free to reach out, thank you.

Sincerely,

A handwritten signature in black ink that reads "Alexis Calatayud". The signature is written in a cursive, flowing style.

Alexis M. Calatayud
Senator
District 38

CC: Tim Procter, Staff Director
Michele Ingram, Administrative Assistant

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

3/29/23

Meeting Date

Military and Veterans Affairs
Committee

1480

Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Barrett

Phone (850) 222-3803

Address 201 W. Park Ave.
Street

Email mbarrett@flaccb.org

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:
Florida Conference of
Catholic Bishops

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



RON DeSANTIS
GOVERNOR

RECEIVED

2023 FEB -2 PM 2:15

DIVISION OF ELECTIONS
TALLAHASSEE, FL

January 10, 2023

Secretary Cord Byrd
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Byrd:

Please be advised I have made the following appointment under the provisions of Section 250.10, Florida Statutes:

Mr. John D. Haas
82 Marine Street
St. Augustine, Florida 32084

as Adjutant General of Florida, succeeding James O. Eifert, subject to confirmation by the Senate. This appointment is effective April 23, 2023, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to be "Ron DeSantis", written over a horizontal line.

Ron DeSantis
Governor

RD/zs

OATH OF OFFICE RECEIVED
(Art. II, § 5(b), Fla. Const.)

2023 FEB 14 AM 10:07

ALL ELECTIONS
TALLAHASSEE, FL

STATE OF FLORIDA

County of Leon

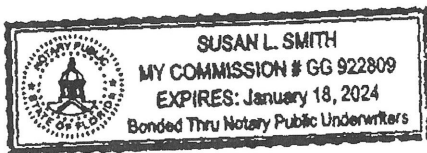
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

The Adjutant General of Florida

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]



Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 9th day of February, 2023.

Signature of Officer Administering Oath or of Notary Public

Susan L. Smith
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FL Driver License

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☐ Home ☒ Office

82 Marine Street

Street or Post Office Box

St. Augustine, FL 32084

City, State, Zip Code

John D. Haas

Print Name

Signature

1575

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Cord Byrd, Secretary of State,
do hereby certify that

John D. Haas

is duly appointed

Adjutant General of the State of Florida

for a term beginning on the Twenty-Third day of April, A.D.,
2023, and is subject to be confirmed by the Senate during the
next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Seventeenth day of February, A.D., 2023.*



Secretary of State

**The Florida Senate
Committee Notice Of Hearing**

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

John D. Haas

Adjutant General of Florida National Guard

NOTICE OF HEARING

TO: Major General John D. Haas

YOU ARE HEREBY NOTIFIED that the Committee on Military and Veterans Affairs, Space, and Domestic Security of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, March 29, 2023, in 301 Senate Building, commencing at 12:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 24th day of March, 2023

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



Senator Tom A. Wright
As Chair and by authority of the committee

cc: Members, Committee on Military and Veterans Affairs, Space, and Domestic Security
Office of the Sergeant at Arms



National Guard

Major General JOHN D. HAAS

Assistant Adjutant General
St. Augustine, FL
Since: August 2019



SOURCE OF COMMISSIONED SERVICE OCS

EDUCATIONAL DEGREES

Florida State University - BS - Criminology
United States Army War College - MSS - Strategic Studies

MILITARY SCHOOLS ATTENDED

Infantry Officer Basic Course
Infantry Officer Advanced Course
Combined Arms and Services Staff School
United States Army Infantry School, Infantry Brigade/Battalion Commanders Course
United States Army War College
Maneuver Pre-Command Course
Harvard University, Leadership in Homeland Security
Joint & Combined Warfighting School (JCWS) JPME-II
Joint Task Force Commanders Course (NORTHCOM)
United States Army War College, Senior Leader Seminar

FOREIGN LANGUAGE(S) None Recorded

PROMOTIONS

DATE OF APPOINTMENT

2LT	24 Aug 90
1LT	23 Aug 93
CPT	15 Nov 95
MAJ	5 Dec 02
LTC	26 Apr 07
COL	3 Dec 12
BG	9 Aug 19
MG	1 Jul 21

FROM

TO

ASSIGNMENT

Aug 19	Present	Assistant Adjutant General, St. Augustine, Florida
Aug 18	Aug 19	Director of Strategic Plans, Policies & Programs, Florida National Guard, Saint Augustine, Florida
Mar 16	Jul 18	Brigade Commander, 53rd Infantry Brigade Combat Team, Florida Army National Guard, Clearwater, Florida
Jan 13	Feb 16	Director of Operations, Joint Force Headquarters, Florida Army National Guard, Saint Augustine, Florida
Jan 10	Dec 12	Commander, 1st Squadron 153rd Cavalry Regiment, Florida Army National Guard, Camp Buehring, Kuwait
May 09	Dec 09	Squadron Commander, 1st Squadron 153rd Cavalry Regiment, Florida Army National Guard, Panama City, Florida
Apr 08	Apr 09	Assistant Chief of Staff, Joint Force Headquarters, Florida Army National Guard, Saint Augustine, Florida
Apr 07	Mar 08	Secretary General Staff, Joint Force Headquarters, Florida Army National Guard, Saint Augustine, Florida
Jan 06	Mar 07	Squadron Executive Officer, Headquarters, Headquarters Troop, 1st Squadron 153rd Cavalry Regiment, Panama City, Florida
Jan 04	Dec 06	Battalion Executive Officer, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Panama City, Florida
Jan 03	Dec 04	Battalion Operations Officer, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Baghdad, Iraq
Sep 00	Dec 03	Battalion Logistics Officer, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Panama City, Florida
Nov 99	Aug 00	Company Commander, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Panama City, Florida

Jun 97	Nov 99	Company Commander, Company A, 3rd Battalion, 124th Infantry Regiment, Tallahassee, Florida
Sep 95	May 97	Battalion Assistant Operations Officer-Air, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Panama City, Florida
Sep 93	Aug 95	Scout Platoon Leader, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Panama City, Florida
Aug 90	Aug 93	Platoon Leader, Company A, 3rd Battalion 124th Infantry Regiment, Tallahassee, Florida

SUMMARY OF OPERATIONAL ASSIGNMENTS

<u>DATE</u>	<u>GRADE</u>	
Commander, 1st Squadron 153rd Cavalry Regiment, Florida Army National Guard, Camp Buehring, Kuwait	Jan 10 - Dec 12	Lieutenant Colonel
Battalion Operations Officer, Headquarters, Headquarters Company, 3rd Battalion 124th Infantry Regiment, Baghdad, Iraq	Jan 03 - Dec 04	Major

US DECORATIONS AND BADGES

Legion of Merit
 Bronze Star Medal (with 1 Bronze Oak Leaf Cluster)
 Purple Heart
 Meritorious Service Medal (with 4 Bronze Oak Leaf Clusters)
 Joint Service Commendation Medal
 Army Commendation Medal
 Army Achievement (with 4 Bronze Oak Leaf Clusters)
 Army Presidential Unit Citation
 Navy Presidential Unit Citation
 Army Good Conduct Medal
 Army Reserve Components Achievement Medal (with 2 Bronze Oak Leaf Clusters)
 National Defense Service Medal (with 1 Bronze Service Star)
 Armed Forces Expeditionary Medal
 Iraq Campaign Medal (with 1 Bronze Service Star)
 Global War on Terrorism Expeditionary Medal
 Global War on Terrorism Service Medal
 Humanitarian Service Medal (with 2 Bronze Service Stars)
 Military Outstanding Volunteer Service Medal
 Armed Forces Reserve Medal (with Gold Hourglass and "M" Device)
 Non-Commissioned Officers Professional Development Ribbon
 Army Service Ribbon
 Army Overseas Service Ribbon (with Numeral 2)
 Army Reserve Components Overseas Training Ribbon (with Numeral 2)
 Florida Distinguished Service Medal (with 1 Bronze Oak Leaf Cluster)
 Florida Commendation Medal
 Florida Meritorious Service Ribbon
 Florida Governor Unit Citation (with 1 Bronze Oak Leaf Cluster)
 Florida Service Medal
 Florida Service Ribbon (with 1 Silver Oak Leaf Cluster)
 Florida Active State Duty Ribbon (with 2 Silver and 1 Bronze Oak Leaf Clusters)
 Florida National Guard Recruiting Ribbon
 Ohio Commendation Medal
 Mississippi State Active Duty Ribbon
 Combat Infantryman Badge (with Silver Star)
 Expert Infantryman Badge
 Ranger Tab
 Parachutist Badge
 Pathfinder Badge
 Egyptian Parachute Badge
 Armed Forces Service Medal

CIVILIAN OCCUPATION

T32 AGR Director of Strategic Plans, Policies and Programs, Florida National Guard, Saint Augustine, Florida

PROFESSIONAL MEMBERSHIPS AND ACHIEVEMENTS

Association of the United States Army
 National Guard Association of Florida
 United States Army War College Alumni Association
 National Infantry Association

OTHER ACHIEVEMENTS

1995 Frank L. Lillyman Award, Honor Graduate United States Pathfinder School
 1997 Lowry Leadership Award
 1998 General Douglas MacArthur Leadership Award
 1999 Order of Hamby, National Training Center Opposing Forces Award
 2009 Order of Saint Maurice, National Infantry Association
 2016 Draper Leadership Award, Armor and Cavalry Leadership Award

XVIII Airborne Corps Recondo Badge
Jungle Operations Training Badge

As of: 17 Nov 21

The date of publication indicated on this biography reflects the most recent update. It does not necessarily reflect the date of printing.

THE FLORIDA SENATE

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Major General John D. Haas

ANSWER: I do.

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Military and Veterans Affairs, Space, and Domestic Security

DATE: 3/29/23

THE FLORIDA SENATE

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

Meeting Date

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MG John HAAS

Job Title Adjutant General Army

Address 82 Marine Street
Street

Phone 414-9048

Street

City St Augustine FL State _____ Zip _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida National Guard

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:

Community Affairs, Chair
Appropriations Committee on Education
Appropriations Committee of Health and
Human Services
Education Pre-K 12
Fiscal Policy
Health Policy
Military and Veterans Affairs, Space and
Domestic Security
Select Committee on Resiliency

SENATOR Alexis Calatayud

38th District

March 29, 2023

The Honorable Tom A. Wright

Chair

Committee on Military and Veterans Affairs, Space and Domestic Security

REF: COMMITTEE MEETING EXCUSAL

Honorable Chair Wright,

Please excuse my absence from Committee on Military and Veterans Affairs, Space and Domestic Security on Wednesday, March 29th, 2023. I have a prior commitment that cannot be re-scheduled.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "Alexis Calatayud". The signature is written in a cursive, flowing style.

Alexis M. Calatayud

Senator

District 38

CC: Tim Procter, Staff Director

Michele Ingram, Administrative Assistant

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

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

Started: 3/29/2023 12:01:15 PM

Ends: 3/29/2023 12:43:07 PM

Length: 00:41:53

12:01:55 PM Chair Wright calls meeting to order
12:01:56 PM Roll Call
12:02:14 PM Quorum is present
12:02:19 PM Pledge of Allegiance
12:03:11 PM Take up Tab 1 SB 366 Dental Services for Veterans by Senator Burgess
12:03:19 PM Senator Burgess explains the bill
12:04:03 PM Take up amendment barcode 107386
12:04:08 PM Senator Burgess to explains the amendment
12:04:31 PM Questions
12:04:32 PM Senator Berman
12:04:42 PM Senator Burgess
12:05:00 PM Senator Burgess waives close
12:05:07 PM Action on amendment, back on bill
12:05:21 PM Appearances
12:05:26 PM Bob Asztalos, FDVA, waives
12:05:38 PM Alexandra Abboud, Florida Dental Association, waives
12:07:07 PM Senator Burgess waives close
12:07:18 PM Roll Call CS/SB 366
12:07:36 PM Vote Recorded
12:07:49 PM Take up Tab 2 SB 550 Education of Dependents ...by Senator Burgess
12:07:57 PM Senator Burgess explains the bill
12:08:36 PM Take up Amendment barcode 756988
12:08:55 PM Senator Burgess to explains the amendment
12:09:31 PM Senator Burgess waives close
12:09:40 PM Action on amendment, back on bill
12:09:53 PM Appearance - Bob Asztalos, FDVA waives
12:10:10 PM Senator Burgess closes
12:10:35 PM Roll Call SB 550
12:10:50 PM Vote recorded
12:11:06 PM Take up Tab 3 SB 824 Veteran Services and Recognition by Senator Collins
12:11:21 PM Senator Collins explains the bill
12:12:32 PM Take up amendment barcode 705128
12:12:40 PM Senator Collins explains the amendment
12:12:53 PM Questions
12:12:54 PM Senator Berman
12:13:09 PM Senator Collins
12:13:27 PM Senator Berman
12:13:40 PM Senator Collins
12:14:13 PM Bob Asztalos, FDVA (in Q & A)
12:14:44 PM Senator Berman
12:14:52 PM Bob Asztalos
12:15:32 PM Senator Pizzo
12:16:00 PM Bob Asztalos
12:17:09 PM Senator Pizzo
12:17:45 PM Bob Asztalos
12:18:12 PM Senator Pizzo
12:19:13 PM Bob Asztalos
12:19:38 PM Senator Pizzo
12:19:47 PM Bob Asztalos
12:19:54 PM Senator Pizzo
12:20:02 PM Bob Asztalos
12:20:34 PM Senator Collins waives close

12:20:42 PM Action on amendment, back on bill
12:20:47 PM Appearances
12:20:50 PM Bob Asztalos, FDVA waives
12:21:05 PM Ivonne Fernandez, AARP waives
12:21:28 PM Senator Collins closes on bill
12:21:35 PM Roll Call CS/SB 824
12:21:51 PM Vote recorded
12:21:59 PM Take up Tab 4 CS/SB 908 Unmanned Aircraft Systems Act by Senator Rodriguez
12:22:07 PM Senator Rodriguez explains the bill
12:23:11 PM Take up amendment barcode 493824
12:23:23 PM Senator Rodriguez explains the amendment
12:23:45 PM Senator Rodriguez waives close
12:23:48 PM Action on amendment recorded, back on bill
12:23:56 PM Questions
12:24:01 PM Senator Pizzo
12:24:10 PM Senator Rodriguez
12:24:24 PM Senator Pizzo
12:24:37 PM Senator Rodriguez
12:25:03 PM Q & A continues between Senators Pizzo and Rodriguez
12:27:34 PM Appearances
12:27:43 PM Michael Rubin, Florida Ports Council, waives
12:27:54 PM Robert Stuart, Canaveral Port Authority, waives
12:27:56 PM Tanner Warwick, Associated Industries of Florida, waives
12:28:09 PM Senator Rodriguez waives close
12:28:13 PM Roll Call CS/CS/SB 908
12:28:40 PM Vote recorded
12:28:47 PM Take up Tab 6 SB 1480 Grants for Nonprofit Organization Safety by Senator Calatayud
12:28:51 PM Senator Rodriguez explains on the bill behalf of Senator Calatayud
12:29:26 PM Take up amendment barcode 686232
12:29:30 PM Senator Rodriguez explains the amendment
12:30:03 PM Action on amendment, back on bill
12:30:05 PM Senator Rodriguez waives close
12:30:13 PM Appearances
12:30:24 PM Michael Barrett, Florida Conference of Catholic Bishops, waives
12:30:33 PM Debate
12:30:39 PM Senator Pizzo
12:31:35 PM Senator Rodriguez closes
12:32:02 PM Roll Call CS/SB 1480
12:32:20 PM Vote recorded
12:32:25 PM Chair Wright passes gavel to Vice Chair Torres
12:32:33 PM Take up Tab 5 SB 1318 Spaceflight Entity Liability by Senator Wright
12:32:45 PM Senator Wright explains the bill
12:34:20 PM Take up amendment barcode 532346
12:34:24 PM Senator Wright explains the amendment
12:34:45 PM Appearances
12:34:50 PM Jeff Sharkey, SpaceX, waives
12:34:59 PM Senator Wright waives close
12:35:01 PM Action on amendment, back on bill
12:35:15 PM Questions - Senator Pizzo
12:35:40 PM Senator Wright
12:35:54 PM Lindsay Pierce, Space Florida, waives
12:36:07 PM Senator Wright closes
12:36:17 PM Roll Call CS/SB 1318
12:36:31 PM Vote recorded
12:36:38 PM Vice Chair Torres passes the gavel back to Chair Wright
12:36:47 PM Take up Tab 7 Senate Confirmation Hearing - Adjutant General of Florida - John D. Haas
12:37:07 PM Chair Wright swears in Major General John D. Haas
12:37:25 PM Major General Haas addresses the committee
12:40:05 PM Question by Senator Pizzo
12:40:11 PM Major General Haas in response
12:40:28 PM Major General Haas waives closing remarks
12:40:39 PM Senator Torres moves to confirm

12:40:48 PM	Roll Call Confirmation
12:41:05 PM	Vote recorded
12:41:40 PM	Closing Comments by Chair Wright
12:41:59 PM	Senators Collins and Berman move to vote after
12:42:50 PM	Senator Torres moves to adjourn
12:42:58 PM	Meeting Adjourned