

Tab 1	SB 620 by Broxson; (Compare to CS/CS/H 00891) Military Affairs						
359396	A	S	RCS	MS, Broxson	Delete L.37 - 65:	04/04 08:29 AM	
Tab 2	SB 718 by Gruters; (Similar to CS/H 00427) Honor and Remember Flag						
806586	A	S	L RCS	MS, Gruters	Delete L.32 - 42:	04/04 08:29 AM	
388624	A	S	L RCS	MS, Gruters	Delete L.59 - 61.	04/04 08:29 AM	
Tab 3	SM 852 by Diaz (CO-INTRODUCERS) Wright; (Similar to H 00713) VA MISSION Act of 2018						
Tab 4	SB 1226 by Taddeo (CO-INTRODUCERS) Cruz; (Identical to H 00937) Military Veterans and Servicemembers Court Programs						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

MILITARY AND VETERANS AFFAIRS AND SPACE

Senator Wright, Chair
Senator Cruz, Vice Chair

MEETING DATE: Wednesday, April 3, 2019
TIME: 4:00—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Wright, Chair; Senator Cruz, Vice Chair; Senators Broxson, Gainer, Harrell, Pizzo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 620 Broxson (Similar CS/H 891)	Military Affairs; Prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than a certain amount of funds; providing an additional circumstance under which a servicemember may terminate a rental agreement; prohibiting certain construction or activities that are incompatible with the mission of a military installation on certain land under a rural-lands-protection easement, etc. MS 04/03/2019 Fav/CS IT RC	Fav/CS Yeas 7 Nays 0
2	SB 718 Gruters (Similar CS/H 427)	Honor and Remember Flag; Designating the Honor and Remember flag as an emblem of the state; authorizing the display of the flag at specified locations, on specified days, and in a specified manner, etc. MS 04/03/2019 Fav/CS CA AP	Fav/CS Yeas 7 Nays 0
3	SM 852 Diaz (Similar HM 713)	VA MISSION Act of 2018; Urging Congress and the Department of Veterans Affairs to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act, etc. MS 04/03/2019 Favorable RC	Favorable Yeas 7 Nays 0
4	SB 1226 Taddeo (Identical H 937, Compare S 7072)	Military Veterans and Servicemembers Court Programs; Requiring the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program; requiring the chief judge to consider nationally recognized best practices when adopting policies and procedures for the program, etc. MS 04/03/2019 Favorable JU AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs and Space
Wednesday, April 3, 2019, 4:00—6:00 p.m.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 620

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Broxson

SUBJECT: Military Affairs

DATE: April 4, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Fav/CS
2.			IT	
3.			RC	

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

I. Summary:

CS/SB 620 provides a number of changes in law to benefit servicemembers and their families and to better protect military land interests and uses.

The bill specifically:

- Prohibits a landlord from requiring a servicemember to pay a security deposit or advance rent that exceeds, in the aggregate, the total sum of rent that would be due in a 2-month period under the rental agreement, excluding prorated rent.
- Provides as an additional basis for a servicemember to terminate a rental agreement with a 1 month written notice a situation in which a servicemember becomes eligible to live in and opts to move into privatized military housing.
- Adds two military installations to the list of those that may exchange certain information with local governments regarding compatibility of land development.
- Provides that a conservation easement, created to prevent encroachment to a military installation, survives a tax sale of property or the issuance of a tax certificate in foreclosure proceedings.
- Authorizes the Department of Economic Opportunity to award grants on a competitive basis to support activities related to the Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program which include marketing, advocacy, sponsorships, outreach, and military-related community support events.
- Adds to the list of prohibited activities on rural-lands protection easements and agricultural protection agreements the construction of structures or other activities that are incompatible

with the mission of a military installation, if the land lies within an identified clear zone or an accident potential zone, or within Military Influence Planning Area 1 or 2 designated in the Joint Land Use Study of the installation.

- Requires school districts to accept a permanent change of station order as proof of residency of each dependent school child listed in the order for a child's admission to all district-authorized programs.
- Specifies the point in time in which active duty members, spouses, and their dependents are classified as residents for tuition purposes.

II. Present Situation:

Rental Housing Agreements

In urban areas around Florida, particularly South Florida, affordable and sufficient housing is becoming more difficult to find for active military servicemembers stationed nearby. In addition to an expensive rental market, servicemembers report that some landlords require greater amounts of up-front deposits and rent from a tenant to secure a lease. Beyond prescribing how landlords retain and return deposits and prepaid rent, Florida statutes do not cap how much may be collected from a tenant.¹

An active servicemember may terminate a rental agreement by providing the landlord a 30 day written notice of termination upon receipt if:

- The servicemember is required, pursuant to a permanent change of station orders, to move 35 miles or more from the location of the rental premises;
- The servicemember is prematurely or involuntarily discharged or released from active duty or state active duty;
- The servicemember is released from active duty or state active duty after having leased the rental premises while on active duty or state active duty status and the rental premises is 35 miles or more from the servicemember's home of record before entering active duty or state active duty;
- After entering into a rental agreement, the servicemember receives military orders requiring a move into government quarters, or the servicemember becomes eligible to live in and opts to move into government quarters;
- The servicemember receives temporary duty orders, temporary change of station orders, or state active duty orders for a period of more than 60 days to an area 35 miles or more from the rental property; or
- The servicemember has leased the property, but prior to taking possession of the rental premises, receives a change of orders to an area 35 miles or more from the rental property.²

Military Installations

Exchange of Information Between Local Governments and Military Installations

Section 163.3175(2), F.S., identifies major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than

¹ See s. 83.49, F.S.

² Section 83.682(1), F.S.

others, and also identifies proximate local governments that are required to address land development compatibility with military installations in their comprehensive plans. Currently, 14 military installations cooperate with local governments to encourage compatible land use, prevent incompatible encroachment, and facilitate the continued presence of major military installations in Florida.³

Each affected local government must transmit the following proposed comprehensive plan amendments, proposed land development regulations, and applications for development orders to the commanding officer of the relevant associated installation or installations:

- Information relating to proposed changes to the local government's comprehensive plan which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation;
- Information relating to proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation; and
- At the request of the commanding officer, copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation.⁴

The commanding officer or his or her designee may provide advisory comments, data, and analyses to the affected local government on the affect the proposed changes may have on the mission of the military installation.⁵ In construing the information provided, the affected local government must consider and weigh the strategic mission of the base, public safety, and economic vitality associated with the base's operations, with the respect accorded private property rights and undue restrictions on those rights.⁶ All comments on comprehensive plan amendments must be forwarded to the state land planning agency.⁷

Continuation of Easement after Tax Sale or Deed Execution

Current law provides that an easement on land for conservation; a public service purpose, such as for a telephone, pipeline, power transmission; drainage; or ingress and egress survive and remain valid and enforceable even after a tax sale, tax deed, or tax certificate is recorded with the office of the clerk.⁸

Military Base Retention Grants Program

The Legislature established the Military Base Protection Program within the Department of Economic Opportunity (DEO)⁹ to:

- Secure nonconservation lands to serve as a buffer to protect military installations against encroachment; and

³ See s. 163.3175(2)(a)-(n), F.S.

⁴ Section 163.3175(4), F.S.

⁵ Section 163.3175(5), F.S.

⁶ Section 163.3175(6), F.S.

⁷ *Id.*

⁸ Section 197.572, F.S.

⁹ The 2012 Legislature established the Military Base Protection program (ch. 2012-159, L.O.F.; s. 288.980(2)(a), F.S.).

- Support local community efforts to engage in service partnerships with military installations.¹⁰

In 2004, the Legislature established the Florida Defense Infrastructure Grant Program (FDIGP).¹¹ The purpose of the FDIGP is to support local infrastructure projects considered to positively impact the military value of installations in the state. Fundable infrastructure projects include those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. A grant award may not be used to fund on-base military construction.¹²

In 2012, the Legislature established the Florida Defense Reinvestment Grant Program (FDRGP) to work with defense-dependent communities in developing and implementing strategies to support the missions of military installations, and develop and implement alternative strategies to transition from a defense-based to a nondefense economy.¹³ A local governmental entity may apply to the FDRGP for a grant to support a community-based activity that:

- Protects existing military installations;
- Diversifies the economy of a defense-dependent community; or
- Develops a plan for the reuse of closed or realigned military installations.¹⁴

The Department of Economic Opportunity awards grants on a competitive basis from available funds to support activities related to the FDRGP and the FDIGP.¹⁵ The term “activities” means studies, presentations, analyses, plans, and modeling. Additionally, for the FDIGP, a qualifying activity also includes construction, land purchases, and easements. Travel costs and costs incidental to a grant qualify, while staff salaries do not.¹⁶

Rural-Lands-Protection Easements

On behalf of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Agriculture and Consumer Services (department) may allocate moneys to acquire perpetual, less-than-fee interest in land, to enter into agricultural protection agreements (APA). The department may also enter into resource conservation agreements that:

- Promote and improve wildlife habitat;
- Protect and enhance water bodies, aquifer recharge areas, wetlands, and watersheds;
- Perpetuate open space on lands with significant natural areas; or
- Protect agricultural lands threatened by conversion to other uses.¹⁷

Rural-lands-protection easements (RLPE) are a perpetual right or interest in agricultural land which is appropriate to retain the land in predominantly its current state and to prevent the

¹⁰ Chapter 2013-222, L.O.F., provided the functions of the Military Base Protection Program.

¹¹ Chapter 2204-230, L.O.F.; s. 288.980(5), F.S.

¹² *Id.*

¹³ Chapter 2012-159, L.O.F.; s. 288.980(4), F.S.

¹⁴ Section 288.980(4)(a)-(c), F.S.

¹⁵ Chapter 2012-159, L.O.F.; Section 288.980(3)(a), F.S.

¹⁶ Section 288.980(3)(b), F.S.

¹⁷ Section 570.71(1), F.S.

subdivision and conversion of the land into other uses. This right or interest in property prohibits only the following:

- Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and certain linear facilities;
- Subdivision of the property;
- Dumping or placing of trash, waste, or offensive materials; and
- Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.¹⁸

Agricultural protection agreements (APA) are valid for 30-year terms and provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.¹⁹ For the length of the agreement, the landowner agrees to prohibit:

- Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and certain linear facilities;
- Subdivision of the property;
- Dumping or placing of trash, waste, or offensive materials; and
- Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.²⁰

Students of Military Families

Transfers of K-12 students

Children in active-duty military families face unique educational challenges. The average military child transfers to a different state or school district six to nine times during kindergarten through 12th grade. When a parent is reassigned, military children may be affected by:²¹

- transfer of records;
- course sequencing;
- graduation requirements;
- exclusion from extracurricular activities;
- redundant or missed entrance/exit tests;
- kindergarten and first grade entrance age variations; and
- power of custodial parents while parents are deployed.²²

¹⁸ Section 570.71(3), F.S.

¹⁹ Section 570.71(5), F.S.

²⁰ Section 570.71(5)(a), F.S.

²¹ Council of State Governments, Interstate Compact on Educational Opportunity for Military Children, available at https://www.cgs.org/programs/policyprograms/NCIC/interstatecompact_militarychildren_edop.aspx (last visited March 28, 2019).

²² *Id.*

The Interstate Compact on Educational Opportunity for Military Children (Compact) assists member states in uniformly addressing educational transition issues faced by active-duty military families. The Compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation. The Compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense (DoD).²³

The Legislature recognizes the challenges faced by military students and requires the Florida Department of Education (department) to assist in the transition of these students in military families by:²⁴

- improving the timely transfer of records;
- developing systems to ease student transition during the first two weeks of enrollment;
- promoting practices which foster access to extracurricular programs;
- establishing procedures to lessen the adverse impact of moves;
- encouraging or continuing partnerships between the military base and the school system;
- providing services for transitioning students when applying to and finding funding for postsecondary study; and
- providing other assistance as identified by the department, school, and military personnel.

The department is further required to facilitate the development and implementation of memoranda of agreement between school districts and military installations which address strategies for assisting students who are the children of active duty military personnel in the transition to Florida schools.²⁵

Finally, dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs²⁶ offered through public schools must be given first preference for admission to these programs even if the program is offered through a public school other than the school to which the student would generally be assigned.²⁷

According to the Department of the Navy, in some school districts in Florida, military families miss special program application deadlines because their Permanent Change of Station orders are not considered proof of residency. Consequently, the child has been relegated to a “D” or “F” school based on exceeded capacity at the actual time of arrival.²⁸

Residency Status for Tuition purposes

Florida law defines “tuition” as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.”²⁹ Students who are not classified as

²³ *Id.*

²⁴ Section 1003.05(1), F.S.

²⁵ Section 1003.05(2), F.S.

²⁶ Special academic programs include magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate of Education, and International Baccalaureate. *See s. 1003.05(3), F.S.*

²⁷ Section 1003.05(3), F.S.

²⁸ Letter from Navy Region Southeast Commander, B. Bolivar, to Governor Rick Scott (Aug. 9, 2018) (on file with the Committee on Military and Veterans Affairs and Space).

²⁹ Section 1009.01(1), F.S.

“residents for tuition purposes”³⁰ are required to pay the full cost of instruction at a public postsecondary institution. This additional charge is known as the “out-of-state fee.”³¹ Institutions are authorized, and sometimes required to provide exemptions and/or waivers³² of the out-of-state fee to students who meet specified criteria.

Current law provides eleven categories in which individuals who meet certain criteria are automatically considered residents of Florida for tuition purposes.³³ As it relates to service in the U.S. Armed Services, persons who qualify as the following are considered residents for tuition purposes in Florida:

- Active duty members of the U.S. Armed Services residing or stationed in Florida and their spouses and dependent children, and active drilling members of the Florida National Guard;³⁴ and
- Active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed, if the military establishment is within a county contiguous to Florida.³⁵

III. Effect of Proposed Changes:

CS/SB 620 contains a number of provisions to benefit servicemembers and their families and to better protect military land interests and uses.

Rental Housing

The bill assists servicemembers who are tenants of private property in two ways.

First, the bill prohibits a landlord from requiring a servicemember to pay a security deposit or advance rent that exceeds, in the aggregate, the total sum of rent that would be due in a 2-month period under the rental agreement.

Additionally, the bill identifies as a new basis for a servicemember to terminate a rental agreement with a 1 month written notice a situation in which a servicemember becomes eligible to live in and opts to move into privatized military housing.

Military Installations

Exchange of Information Between Local Governments and Military Installations

Current law identifies a number of military installations that may exchange certain information with local governments regarding the compatibility of land development. Associated local governments are required to address land development compatibility with military installations in their comprehensive plans. The bill adds to the list of military installations:

³⁰ Section 1009.21(1)(g), F.S.

³¹ Section 1009.01(2), F.S.

³² Sections 1009.25 and 1009.26, F.S.

³³ Section 1009.21(10), F.S.

³⁴ Section 1009.21(10)(a), F.S.

³⁵ Section 1009.21(10)(b), F.S.

- Naval Support Activity Orlando, including Bugg Spring and the Naval Ordinance Test Unit, associated with Orange County and Orlando; and
- United States Southern Command, associated with Miami-Dade County and Doral.

Continuation of Easement after Tax Sale or Deed Execution

Current law provides that certain easements on land survive after a tax sale or the issuance of a tax certificate in foreclosure proceedings. The bill adds to the list of easements that remain valid an easement to prevent an encroachment of military installations.

Military Base Retention Grants Program

The Department of Economic Opportunity may award grants on a competitive basis from the Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program for certain activities. The bill adds to the list of activities that can be supported by a grant those that include marketing, advocacy, sponsorships, outreach, and military-related community support events.

Rural-Lands-Protection Easements and Agriculture Protection Agreements

Current law specifies a list of rights or interests that may be prohibited in rural-lands-protection easements (RLPEs) and agricultural protection agreements (APAs). The bill adds to the list the construction of structures or other activities that are incompatible with the mission of a military installation, when the land lies within an area identified as a clear zone or an accident potential zone or within Military Influence Planning Area 1 or 2 as established in the Joint Land Use Study of the installation.

Students of Military Families

Transfers of K-12 students

School districts will be required to accept a permanent change of station order as proof of residency of each dependent school child listed in the order for the child's admission to all district-authorized programs. This provision will help families that have received a permanent order to, but have not yet relocated, and are otherwise denied admission based on lack of residency.

Residency Status for Tuition purposes

Current law classifies active duty members and their families as residents for tuition purposes in certain instances.

The bill specifies that active duty members of the U.S. Armed Services and their spouses and dependent children are classified as residents for tuition purposes if they reside or are stationed in Florida at the time of acceptance to a public college or state university.

Additionally, active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed are classified as residents for tuition purposes at the time of acceptance to a

public college or state university if the military establishment is within a county contiguous to Florida.

Therefore, a student who qualifies for in-state tuition at a Florida university or college at the time of acceptance into the university or college will continue to qualify even if the servicemember receives orders to move before the dependent enrolls in the university or college.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill prohibits a landlord from requiring more than the total sum of rent that would be due in a 2-month period only if the tenant is a servicemember. This provision could possibly be challenged as constitutionally suspect under the equal protection clause of the state constitution.³⁶ A classification that impedes a fundamental right or restricts a suspect class triggers the highest level of judicial scrutiny, followed by intermediate-level scrutiny for certain protected classes. As renting property is not considered a fundamental right, nor is a non-military member part of a suspect or otherwise protected class, a court would apply the lowest level of judicial review, that of rational basis. The rational basis test requires that a statute bear a rational and reasonable relationship to a legitimate state objective, and cannot be arbitrarily or capriciously imposed.³⁷ Still, a legislature may establish a classification without presumably violating equal protection,³⁸ and courts have

³⁶ Art. 1, s. 2, of the state constitution provides: “All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.”

³⁷ *Estate of McCall v. U.S.*, 134 So.3d 894, 901 (Fla. 2014).

³⁸ *Progressive American Insurance Co. v. Eduardo J. Garrido D.C. P.A.*, 211 So.3d 1086, 1090-1091 (Fla. 3rd DCA 2017).

upheld some level of disparate treatment as constitutional.³⁹ In its review, a court will consider whether similarly situated persons are treated similarly.⁴⁰

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Military members and their families may benefit from the bill in the areas of private property rentals and education.

First, servicemembers will not have to come up with as much cash up front when signing a lease. A servicemember will also not be penalized for breaking a lease if he or she becomes eligible to live in and opts to move into privatized military housing.

Additionally, active duty members of the Armed Services and their spouses and dependents will receive the benefit of in state tuition if the active duty member receives a relocation order after accepting admission but before enrolling at a public postsecondary institution.

C. Government Sector Impact:

To the extent that Orange County, Miami-Dade County, and the city of Doral will have to engage in an information exchange with proximate military installations and address in their comprehensive plans land development compatibility, the bill may result in a local fiscal impact.⁴¹ Fiscal impact, however, is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Easements on Land

According to the Department of Agriculture and Consumer Services (department):

Rural Lands Protection Easements (RLPEs) and Agriculture Protections Agreements (APAs) make it financially feasible for landowners to keep the land from becoming developed, thereby preserving Florida's natural environment and agricultural activities.

Easements are attached to the deed and follow the property regardless of ownership. Use

³⁹ *Duncan v. Moore*, 754 So.2d 708, 712 (Fla. 2000).

⁴⁰ *Id.* at 712.

⁴¹ Although the city of Orlando is referenced as being associated with the military installation of Naval Support Activity Orlando, the military installation is located in unincorporated Orange County. Therefore, a fiscal impact on the city of Orlando is not anticipated.

restrictions are uniform between RLPE and APA, except that RLPEs enable a landowner to affect the hydrology of the land, if required for environmental restoration. Current requirements already prohibit or limit construction, subdivision of property, storage of waste or other offensive materials, and activities that affect hydrology. The department negotiates reasonable use requirements that reconcile the landowner's and the military department's interests for properties situated near military installations. The department has also formed a strategic partnership with the Department of Defense, which has allowed the state to receive federal funds to enact easements in areas where encroachment on military installations is possible.⁴²

Local governments must work with identified military installations to address issues related to land use and land development on property adjacent to or in proximity to the installation.⁴³

The language in the bill will prohibit RLPE or APA landowners from constructing structures that are incompatible with the mission of the military, if the land lies within a clear zone, an accident potential zone, or a Military Influence Planning Area 1 or 2. However, the bill does not define "incompatible with the mission of a military installation," meaning that numerous interpretations are possible.

Further, the proposed legislation will create ambiguity related to each party's rights, unless incompatible activities are identified in each individual agreement. If the definition of incompatibility is disputed, the department's ability to exercise reasonable judgment as an intermediary may be compromised. As such, limiting the department's ability to serve as an intermediary may lead to fewer landowners entering into easement agreements, more developed lands and more encroachment challenges for the military. Therefore, further clarification may be needed to limit applicability, identify who makes the determination, and provide greater detail so that legislation may be accurately interpreted.

Residency for Tuition Purposes

Section 8. of the bill specifies that the point in time in which active duty members or their spouses or dependents are classified as residents for tuition purposes is at the time of acceptance of an admissions offer to a public postsecondary institution. Current law does not specify a point in time. Therefore, this provision may have the unintended consequence of narrowing a servicemember's access to in-state tuition.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.49, 83.682, 163.3175, 197.572, 288.980, 570.71, 1003.05, and 1009.21.

⁴² Department of Agriculture and Consumer Services, *Agency Bill Analysis for SB 620* (Feb. 11, 2019) (on file with the Senate Committee on Military and Veteran Affairs and Space).

⁴³ *Id.*

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 and Space on April 3, 2019:

- Revises from a 60-day to a 2-month period, excluding prorated rent, the cap on the sum of rent that would be due during that time for payment of an advance security deposit or rent required from a servicemember;
- Revises from a 30 day to a 1 month period the minimum period of notice a qualifying servicemember must provide to a landlord through receipt of a written termination of a rental agreement;
- Revises from 60 days to 2 months the minimum period of time a military relocation order must specify that a servicemember has been relocated to an area at least 35 miles from the rental property for the servicemember to terminate the rental agreement.

- B. **Amendments:**

None.



359396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
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The Committee on Military and Veterans Affairs and Space
(Broxson) recommended the following:

Senate Amendment

Delete lines 37 - 65
and insert:
due in a 2-month period under the rental agreement, excluding
prorated rent.

Section 2. Subsection (1) of section 83.682, Florida
Statutes, is amended to read:

83.682 Termination of rental agreement by a servicemember.—
(1) Any servicemember may terminate his or her rental



359396

11 agreement by providing the landlord with a written notice of
12 termination to be effective on the date stated in the notice
13 that is at least 1 month ~~30 days~~ after the landlord's receipt of
14 the notice if any of the following criteria are met:

15 (a) The servicemember is required, pursuant to a permanent
16 change of station orders, to move 35 miles or more from the
17 location of the rental premises.~~†~~

18 (b) The servicemember is prematurely or involuntarily
19 discharged or released from active duty or state active duty.~~†~~

20 (c) The servicemember is released from active duty or state
21 active duty after having leased the rental premises while on
22 active duty or state active duty status and the rental premises
23 is 35 miles or more from the servicemember's home of record
24 prior to entering active duty or state active duty.~~†~~

25 (d) After entering into a rental agreement, the
26 servicemember receives military orders requiring him or her to
27 move into government quarters or the servicemember becomes
28 eligible to live in and opts to move into government quarters or
29 privatized military housing.~~†~~

30 (e) The servicemember receives temporary duty orders,
31 temporary change of station orders, or state active duty orders
32 to an area 35 miles or more from the location of the rental
33 premises, provided such orders are for a period exceeding 2
34 months. ~~60 days; or~~

By Senator Broxson

1-01199-19

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1 A bill to be entitled
 2 An act relating to military affairs; amending s.
 3 83.49, F.S.; prohibiting a landlord from requiring a
 4 prospective tenant who is a servicemember to deposit
 5 or advance more than a certain amount of funds;
 6 amending s. 83.682, F.S.; providing an additional
 7 circumstance under which a servicemember may terminate
 8 a rental agreement; amending s. 163.3175, F.S.;
 9 revising applicability with respect to certain
 10 military installations; amending s. 197.572, F.S.;
 11 providing that the title to certain lands remains
 12 subject to an easement to prevent encroachment of
 13 military installations after a tax sale or the
 14 issuance of a tax certificate in foreclosure
 15 proceedings; amending s. 288.980, F.S.; revising the
 16 definition of the term "activities"; amending s.
 17 570.71, F.S.; prohibiting certain construction or
 18 activities that are incompatible with the mission of a
 19 military installation on certain land under a rural-
 20 lands-protection easement; amending s. 1003.05, F.S.;
 21 requiring public schools to accept a permanent change
 22 of station order as proof of residency for certain
 23 programs; amending s. 1009.21, F.S.; revising when
 24 active duty members of the Armed Services of the
 25 United States are classified as residents for tuition
 26 purposes; providing an effective date.

27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

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30 Section 1. Subsection (10) is added to section 83.49,
 31 Florida Statutes, to read:
 32 83.49 Deposit money or advance rent; duty of landlord and
 33 tenant.-
 34 (10) If the tenant is a servicemember, a landlord may not
 35 require payment of a security deposit or advance rent that
 36 exceeds, in the aggregate, the total sum of rent that would be
 37 due in a 60-day period under the rental agreement.
 38 Section 2. Subsection (1) of section 83.682, Florida
 39 Statutes, is amended to read:
 40 83.682 Termination of rental agreement by a servicemember.-
 41 (1) Any servicemember may terminate his or her rental
 42 agreement by providing the landlord with a written notice of
 43 termination to be effective on the date stated in the notice
 44 that is at least 30 days after the landlord's receipt of the
 45 notice if any of the following criteria are met:
 46 (a) The servicemember is required, pursuant to a permanent
 47 change of station orders, to move 35 miles or more from the
 48 location of the rental premises.~~†~~
 49 (b) The servicemember is prematurely or involuntarily
 50 discharged or released from active duty or state active duty.~~†~~
 51 (c) The servicemember is released from active duty or state
 52 active duty after having leased the rental premises while on
 53 active duty or state active duty status and the rental premises
 54 is 35 miles or more from the servicemember's home of record
 55 prior to entering active duty or state active duty.~~†~~
 56 (d) After entering into a rental agreement, the
 57 servicemember receives military orders requiring him or her to
 58 move into government quarters or the servicemember becomes

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59 eligible to live in and opts to move into government quarters or
60 privatized military housing.

61 (e) The servicemember receives temporary duty orders,
62 temporary change of station orders, or state active duty orders
63 to an area 35 miles or more from the location of the rental
64 premises, provided such orders are for a period exceeding 60
65 days. ~~+~~

66 (f) The servicemember has leased the property, but prior to
67 taking possession of the rental premises, receives a change of
68 orders to an area that is 35 miles or more from the location of
69 the rental premises.

70 Section 3. Present paragraphs (m) and (n) of subsection (2)
71 of section 163.3175, Florida Statutes, are redesignated as
72 paragraphs (n) and (o), respectively, and a new paragraph (m)
73 and paragraph (p) are added to that subsection, to read:

74 163.3175 Legislative findings on compatibility of
75 development with military installations; exchange of information
76 between local governments and military installations.—

77 (2) Certain major military installations, due to their
78 mission and activities, have a greater potential for
79 experiencing compatibility and coordination issues than others.
80 Consequently, this section and the provisions in s.
81 163.3177(6) (a), relating to compatibility of land development
82 with military installations, apply to specific affected local
83 governments in proximity to and in association with specific
84 military installations, as follows:

85 (m) Naval Support Activity Orlando, including Bugg Spring
86 and Naval Ordnance Test Unit, associated with Orange County and
87 Orlando.

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88 (p) United States Southern Command, associated with Miami-
89 Dade County and Doral.

90 Section 4. Section 197.572, Florida Statutes, is amended to
91 read:

92 197.572 Easements for conservation purposes, prevention of
93 encroachment of military installations, public service purposes,
94 support of certain improvements, or drainage or ingress and
95 egress survive tax sales and deeds.—When any lands are sold for
96 the nonpayment of taxes, or any tax certificate is issued
97 thereon by a governmental unit or agency or pursuant to any tax
98 lien foreclosure proceeding, the title to the lands shall
99 continue to be subject to any easement for conservation purposes
100 as provided in s. 704.06, for the purpose of preventing the
101 encroachment of military installations as provided in s.
102 288.980(2), or for telephone, telegraph, pipeline, power
103 transmission, or other public service purpose; and shall
104 continue to be subject to any easement that supports
105 improvements that may be constructed above the lands; and any
106 easement for the purposes of drainage or of ingress and egress
107 to and from other land. The easement and the rights of the owner
108 of it shall survive and be enforceable after the execution,
109 delivery, and recording of a tax deed, a master's deed, or a
110 clerk's certificate of title pursuant to foreclosure of a tax
111 deed, tax certificate, or tax lien, to the same extent as though
112 the land had been conveyed by voluntary deed. The easement must
113 be evidenced by written instrument recorded in the office of the
114 clerk of the circuit court in the county where such land is
115 located before the recording of such tax deed or master's deed,
116 or, if not recorded, an easement for a public service purpose

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117 must be evidenced by wires, poles, or other visible occupation,
 118 an easement for drainage must be evidenced by a waterway, water
 119 bed, or other visible occupation, and an easement for the
 120 purpose of ingress and egress must be evidenced by a road or
 121 other visible occupation to be entitled to the benefit of this
 122 section; however, this shall apply only to tax deeds issued
 123 after the effective date of this act.

124 Section 5. Paragraph (b) of subsection (3) of section
 125 288.980, Florida Statutes, is amended to read:
 126 288.980 Military base retention; legislative intent; grants
 127 program.—

128 (3)
 129 (b) The term "activities" as used in this section means
 130 studies, presentations, analyses, plans, ~~and~~ modeling,
 131 marketing, advocacy, sponsorships, outreach, and military-
 132 related community support events. For the purposes of the
 133 Florida Defense Infrastructure Grant Program, the term
 134 "activities" also includes, but is not limited to, construction,
 135 land purchases, and easements. Staff salaries are not considered
 136 an "activity" for which grant funds may be awarded. Travel costs
 137 and costs incidental thereto incurred by a grant recipient shall
 138 be considered an "activity" for which grant funds may be
 139 awarded.

140 Section 6. Subsection (3) and paragraph (a) of subsection
 141 (5) of section 570.71, Florida Statutes, are amended to read:
 142 570.71 Conservation easements and agreements.—

143 (3) Rural-lands-protection easements shall be a perpetual
 144 right or interest in agricultural land which is appropriate to
 145 retain such land in predominantly its current state and to

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146 prevent the subdivision and conversion of such land into other
 147 uses. This right or interest in property shall prohibit only the
 148 following:

149 (a) Construction or placing of buildings, roads, billboards
 150 or other advertising, utilities, or structures, except those
 151 structures and unpaved roads necessary for the agricultural
 152 operations on the land or structures necessary for other
 153 activities allowed under the easement, and except for linear
 154 facilities described in s. 704.06(11).~~+~~

155 (b) Subdivision of the property.~~+~~

156 (c) Dumping or placing of trash, waste, or offensive
 157 materials.~~+~~ ~~and~~

158 (d) Activities that affect the natural hydrology of the
 159 land or that detrimentally affect water conservation, erosion
 160 control, soil conservation, or fish or wildlife habitat, except
 161 those required for environmental restoration; federal, state, or
 162 local government regulatory programs; or best management
 163 practices.

164 (e) Construction of structures or other activities that are
 165 incompatible with the mission of a military installation, when
 166 the land lies within an area identified as a clear zone or an
 167 accident potential zone or within Military Influence Planning
 168 Area 1 or 2 as established in the Joint Land Use Study of the
 169 installation.

170 (5) Agricultural protection agreements shall be for terms
 171 of 30 years and will provide payments to landowners having
 172 significant natural areas on their land. Public access and
 173 public recreational opportunities may be negotiated at the
 174 request of the landowner.

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175 (a) For the length of the agreement, the landowner shall
 176 agree to prohibit all of the following:

177 1. Construction or placing of buildings, roads, billboards
 178 or other advertising, utilities, or structures, except those
 179 structures and unpaved roads necessary for the agricultural
 180 operations on the land or structures necessary for other
 181 activities allowed under the easement, and except for linear
 182 facilities described in s. 704.06(11).~~+~~

183 2. Subdivision of the property.~~+~~

184 3. Dumping or placing of trash, waste, or offensive
 185 materials.~~+~~ ~~and~~

186 4. Activities that affect the natural hydrology of the
 187 land, or that detrimentally affect water conservation, erosion
 188 control, soil conservation, or fish or wildlife habitat.

189 5. Construction of structures or other activities that are
 190 incompatible with the mission of a military installation, when
 191 the land lies within an area identified as a clear zone or an
 192 accident potential zone or within Military Influence Planning
 193 Area 1 or 2 as established in the Joint Land Use Study of the
 194 installation.

195 Section 7. Subsection (4) is added to section 1003.05,
 196 Florida Statutes, and subsection (3) of that section is
 197 republished, to read:

198 1003.05 Assistance to transitioning students from military
 199 families.—

200 (3) Dependent children of active duty military personnel
 201 who otherwise meet the eligibility criteria for special academic
 202 programs offered through public schools shall be given first
 203 preference for admission to such programs even if the program is

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204 being offered through a public school other than the school to
 205 which the student would generally be assigned. If such a program
 206 is offered through a public school other than the school to
 207 which the student would generally be assigned, the parent or
 208 guardian of the student must assume responsibility for
 209 transporting the student to that school. For purposes of this
 210 subsection, special academic programs include magnet schools,
 211 advanced studies programs, advanced placement, dual enrollment,
 212 Advanced International Certificate of Education, and
 213 International Baccalaureate.

214 (4) Public schools must accept a permanent change of
 215 station order that relocates a military family to a local
 216 military installation as proof of residency for all public
 217 school authorized programs including, but not limited to, the
 218 programs listed in subsection (3).

219 Section 8. Paragraphs (a) and (b) of subsection (10) of
 220 section 1009.21, Florida Statutes, are amended to read:

221 1009.21 Determination of resident status for tuition
 222 purposes.—Students shall be classified as residents or
 223 nonresidents for the purpose of assessing tuition in
 224 postsecondary educational programs offered by charter technical
 225 career centers or career centers operated by school districts,
 226 in Florida College System institutions, and in state
 227 universities.

228 (10) The following persons shall be classified as residents
 229 for tuition purposes:

230 (a) Active duty members of the Armed Services of the United
 231 States residing or stationed in this state at the time of
 232 acceptance, their spouses, and dependent children, and active

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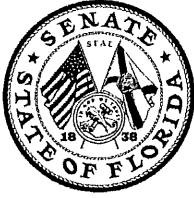
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233 drilling members of the Florida National Guard.

234 (b) Active duty members of the Armed Services of the United
235 States and their spouses and dependents attending a Florida
236 College System institution or state university within 50 miles
237 of the military establishment where they are stationed at the
238 time of acceptance to a Florida College System institution or
239 state university, if such military establishment is within a
240 county contiguous to Florida.

241 Section 9. This act shall take effect July 1, 2019.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: March 18, 2019

I respectfully request that **Senate Bill 620**, relating to Military Affairs, be placed on the:

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

A handwritten signature in cursive script, appearing to read "Doug Broxson".

Senator Doug Broxson
Florida Senate, District 1



DEPARTMENT OF THE NAVY

COMMANDER NAVY REGION SOUTHEAST
BOX 102, NAVAL AIR STATION
JACKSONVILLE, FLORIDA 32212-0102

1710
Ser N00/519
August 9, 2018

The Honorable Rick Scott
Governor of State of Florida
The Capitol, 400 S. Monroe St.
Tallahassee, FL 32399-0001

Dear Governor Scott:

SUBJECT: FLORIDA MILITARY SCHOOL CHILDREN PREFERENCE

As discussed during your Base Commander Meeting held in Miami on 23 July 2018, Florida military children continue to experience issues with school registration and school choice. Respectfully request your assistance on lifting some of the required deadlines for our military families.

The State of Florida strongly advocates for School Choice and Section 1002.31(2)(c)(1), Florida Statutes, specifically requires each school district "provide preferential treatment" to "dependent children of active duty military personnel whose move resulted from military orders." Unfortunately, in some school districts (Duval, Escambia, Nassau, Santa Rosa, and St. Johns), military families forfeit this advantage because of residency requirements or local capacity issues. Military families are missing special program application deadlines because Permanent Change of Station (PCS) orders are not considered proof of residency, and have been relegated to "D" or "F" schools based on exceeded capacity at their actual time of arrival.

Navy PCS funding shortfalls further compress orders lead-time, leaving military families little time to establish residency or gain entry into schools of their choice.

Any guidance or assistance you can provide to ensure Florida military school children receive the required preferential treatment for school choice in every district within the State, regardless of capacity or arrival time, would be greatly appreciated. Thank you for the outstanding support you continue to provide our military community in the State of Florida.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Bolivar", is positioned above the typed name.

B. BOLIVAR
Rear Admiral, U.S. Navy
Commander, Navy Region Southeast

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/2019

620

Meeting Date

Bill Number (if applicable)

Topic Military Affairs

Amendment Barcode (if applicable)

Name Claire Whitehead

Job Title Director of External Affairs

Address 101 N Monroe St Ste 1000

Phone _____

Street

Tallahassee

FL

32301

Email cwhitehead@enterpriseflorida.com

City

State

Zip

Speaking: For Against Information

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

Representing Enterprise Florida, Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19

Meeting Date

620

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Bethany Swenson

Job Title Leg Affairs Dir

Address 325 W. Greening

Phone 850 621 2556

Street

City TLH State FL Zip 32303

Email bswenson@fldoe.org

Speaking: For Against Information

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

Representing Dept of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3 APRIL 2019

Meeting Date

SB 620

Bill Number (if applicable)

Topic SB 620

Amendment Barcode (if applicable)

Name BRUCE GRANT

Job Title VP, Mkt & DCF, ENTERPRISE FLORIDA, INC

Address 101 N. MONROE ST SUITE 1000

Phone 850-298-6652

Street

TALLAHASSEE

FL

32301

Email BGRANT@ENTERPRISE.COM

City

State

Zip

Speaking: For Against Information

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

Representing ENTERPRISE FLORIDA, INC

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 and Space

BILL: CS/SB 718

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Gruters

SUBJECT: Honor and Remember Flag

DATE: April 3, 2019 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Fav/CS
2.			CA	
3.			AP	

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

I. Summary:

CS/SB 718 designates the Honor and Remember Flag as the state’s emblem of the service and sacrifice of the brave men and women of the Armed Forces of the United States who died in the line of duty. The bill authorizes both entities of the state and local governments to display the flag.

The bill specifies the days on which the Honor and Remember Flag may be displayed, and includes the display of the flag on days in which a member of the United States Armed Forces who is a state resident dies in the line of duty.

The bill further requires that the flag must be:

- Displayed in a manner designed to ensure visibility to the public;
- Displayed with no more than two other flags when displayed together on a flagpole; and
- Manufactured in the United States.

By July 1, 2020, a responsible department or agency or a participating local government may adopt regulations to implement the provisions of this bill.

The bill takes effect January 1, 2020.

II. Present Situation:

Display of Flags

Flag of the United States

Current law requires the flag of the United States to be displayed daily when the weather permits, from a staff upon the state capitol and upon each county courthouse.¹ Additionally, the U.S. flag must be flown on election day at each polling place,² at each publicly supported and controlled auditorium,³ the grounds of every public K-20 educational institution, and within each classroom of a public K-20 educational institution.⁴ Further guidance on the protocol and display of the U.S. flag is provided by the Florida Department of State.⁵

State Flag of Florida

Section 256.015, F.S., directs the Governor to adopt a protocol on flag display. The protocol must provide guidelines for the proper display of the state flag and for the lowering of the state flag to half-staff on appropriate occasions, such as on holidays and upon the death of high-ranking state officials, uniformed law enforcement and fire service personnel, and prominent citizens.⁶ The state flag must be displayed on the grounds of every public K-20 educational institution.⁷

POW – MIA Flag

The National League of Families POW-MIA flag is designated as the symbol of our nation's concern and commitment to resolving as fully as possible the fates of Americans still prisoner, missing, and unaccounted for in Southeast Asia.⁸ A POW-MIA flag must be displayed at each state-owned building at which the U.S. flag is displayed, if the POW-MIA flag is available free of charge to the agency that occupies the building and if the display is in accordance with federal laws and regulations.⁹ The Department of Transportation must display the flag year-round at each rest area along an interstate highway in the state.¹⁰ Additionally, the Department of Environmental Protection must display the POW-MIA flag year round at each state park where the U.S. flag is displayed.¹¹

¹ Section 256.01, F.S.

² Section 256.011, F.S.

³ Section 256.11, F.S.

⁴ Section 1000.06, FS.

⁵ Florida Department of State, *Flag Protocols and display, The United States Flag*, available at <http://dos.myflorida.com/about-the-department/flag-and-seal-protocol/flag-protocols-and-display/> (last visited March 26, 2019).

⁶ Section 256.015(1), F.S. See also Executive Office of the Governor, *Flag Protocol (Sept. 26, 2012)*, available at <http://www.flgov.com/wp-content/uploads/2012/09/EOG-Flag-Protocol-FINAL.pdf> (last visited March 26, 2019).

⁷ Sections 256.032 and 1000.06(1), F.S.

⁸ 36 U.S. Code s. 902(2).

⁹ Section 256.12, F.S.

¹⁰ Section 256.13, F.S.

¹¹ Section 256.14, F.S.

Firefighter Memorial Flag

The Division of State Fire Marshal of the Department of Financial Services is directed by law to design, produce, and implement the creation and distribution of an official state Firefighter Memorial Flag to honor firefighters who died in the line of duty.¹² The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and at any other location designated by the State Fire Marshal.¹³

Honor and Remember Flag

The nonprofit organization Honor and Remember, Inc., states that they created the Honor and Remember Flag “to perpetually recognize the sacrifice of America’s military fallen service members and their families.”¹⁴ The mission of the organization is to establish the Honor and Remember Flag as a nationally recognized flag.¹⁵

The Honor and Remember Flag has been endorsed by various military and veteran organizations.¹⁶ Additionally, 24 states have already adopted the Honor and Remember Flag as an official state symbol of remembrance.¹⁷

In addition to other stated missions of Honor and Remember, Inc., financial donations and sales of Honor and Remember Flag merchandise including the flag itself, fund the ability of the organization to provide families of lost loved ones with personalized flags.¹⁸

III. Effect of Proposed Changes:

This bill creates s. 256.16, F.S., and designates the Honor and Remember Flag as the state’s emblem of the service and sacrifice of the brave men and women of the United States Armed Forces who died in the line of duty.

The bill authorizes the flag to be displayed at state-owned buildings at which the United States flag is displayed, military memorials, and other locations deemed appropriate; and also at any local government building at which the United States flag is displayed or other local government location on the following days:

- Veterans’ Day, November 11;

¹² Section 256.15, F.S.

¹³ Section 256.15(1), F.S.

¹⁴ Honor and Remember, *Our Mission*, available at <http://www.honorandremember.org/our-mission/> (last visited March 26, 2019).

¹⁵ *Id.*

¹⁶ Honor and Remember, *Supporters, Official Endorsements*, available at <http://www.honorandremember.org/category/supporters/official-endorsements/> (last visited march 26, 2019).

¹⁷ Honor and Remember, *Home*, available at <https://www.honorandremember.org/> (last visited March 26, 2019). These states are: Delaware, Louisiana, North Carolina, Maryland, Oklahoma, Oregon, Pennsylvania, Utah, Virginia, Kansas, Arizona, Missouri, South Carolina, New Jersey, Indiana, Texas, Wisconsin, South Dakota, Tennessee, West Virginia, Minnesota, Wyoming, Nebraska, and Vermont.

¹⁸ Honor and Remember, *FAQ, Where do the donations go?*, available at <http://www.honorandremember.org/faq/> (last visited March 26, 2019).

- Gold Star Mother's Day, the last Sunday in September; and
- A day on which a member of the U.S. Armed Forces who is a resident of the state loses his or her life in the line of duty.

The flag may be displayed in a manner designed to ensure visibility to the public with no more than two addition flags when displayed together on a flagpole. Additionally, a flag displayed pursuant to these provisions of the bill must be manufactured in the United States.

The bill authorizes a department, agency, or local government responsible for a location for the flag to be displayed to adopt regulations by July 1, 2020. An employee may not be required to report to work solely to display the flag.

The bill takes effect January 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As stated above, the Governor is required to adopt protocol on the display of the State flag.¹⁹ Each state-owned building at which the flag of the United States is displayed, must also display a POW-MIA flag.²⁰ The bill requires that the Honor and Remember Flag may be displayed with no more than two additional flags when displayed together on a flagpole. Because the POW-MIA flag is required to be flown with the United States flag on specific days and with no more than two other flags, it appears the State flag could not be flown on those days.

VIII. Statutes Affected:

This bill creates section 256.16 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 and Space on April 3, 2019:

- Removes authority for the Honor and Remember Flag to be flown on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and National POW/MIA Recognition Day, so that the Honor and Remember Flag may only be flown on Veterans Day, Gold Star Mother's Day, and on days in which a state resident who serves in the Armed Forces loses his or her life in the line of duty.
- Removes language providing for the Department of Management Services to begin procurement and distribution of the flag by July 31, 2020.

B. **Amendments:**

None.

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

¹⁹ Section 256.015(1), F.S.

²⁰ Section 256.12, F.S.



806586

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs and Space
(Gruters) recommended the following:

Senate Amendment

Delete lines 32 - 42

and insert:

1. Veterans' Day, November 11.

2. Gold Star Mother's Day, the last Sunday in September.

3. A day on which a member of the United States Armed
Forces who is a resident of this state loses his or her life in
the line of duty.



388624

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs and Space
(Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete lines 59 - 61.

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

And the title is amended as follows:

Delete lines 11 - 13

and insert:

regulations by a specified date; providing an

By Senator Gruters

23-01109-19

2019718__

1 A bill to be entitled
 2 An act relating to the Honor and Remember flag;
 3 creating s. 256.16, F.S.; designating the Honor and
 4 Remember flag as an emblem of the state; authorizing
 5 the display of the flag at specified locations, on
 6 specified days, and in a specified manner; requiring
 7 the flags to be manufactured in the United States;
 8 authorizing local governments to display the flag at
 9 certain locations; authorizing certain departments,
 10 agencies, and local governments to adopt certain
 11 regulations by a specified date; authorizing the
 12 Department of Management Services to procure and
 13 distribute the flags by a specified date; providing an
 14 effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Section 256.16, Florida Statutes, is created to
 19 read:
 20 256.16 Honor and Remember flag.-
 21 (1) The Honor and Remember flag is designated as the
 22 state's emblem of the service and sacrifice of the brave men and
 23 women of the United States Armed Forces who have given their
 24 lives in the line of duty.
 25 (2) The flag may be displayed:
 26 (a) At the following locations:
 27 1. Any state-owned building at which the United States flag
 28 is displayed.
 29 2. Any state-owned military memorials.

Page 1 of 3

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

23-01109-19

2019718__

30 3. Any other state-owned location.
 31 (b) On the following days:
 32 1. Armed Forces Day, the third Saturday in May.
 33 2. Memorial Day, the last Monday in May.
 34 3. Flag Day, June 14.
 35 4. Independence Day, July 4.
 36 5. National POW/MIA Recognition Day, the third Friday in
 37 September.
 38 6. Veterans Day, November 11.
 39 7. Gold Star Mother's Day, the last Sunday in September.
 40 8. The day on which a member of the United States Armed
 41 Forces who is a resident of the state loses his or her life in
 42 the line of duty.
 43 (c) In a manner designed to ensure visibility to the
 44 public.
 45 (d) With no more than two additional flags when displayed
 46 together on a flagpole.
 47 (3) A flag displayed pursuant to this section must be
 48 manufactured in the United States.
 49 (4) A local government may display the flag in accordance
 50 with paragraphs (2)(b), (c), and (d) at any local government
 51 building at which the United States flag is displayed and at any
 52 other local government location it deems appropriate.
 53 (5) By July 1, 2020, a department or an agency responsible
 54 for a location specified in paragraph (2)(a), or a local
 55 government pursuant to subsection (4), may adopt regulations as
 56 necessary to carry out this section. Such regulations may not
 57 require an employee to report to work solely to display the
 58 flag.

Page 2 of 3

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

23-01109-19

2019718__

59 (6) By July 31, 2020, the Department of Management Services
60 may begin procurement and distribution of the flag as necessary
61 to comply with this section.

62 Section 2. This act shall take effect January 1, 2020.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

February 20th, 2019

The Honorable Tom A. Wright, Chair
Military and Veterans Affairs and Space Committee
531 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Wright:

I am writing to request that Senate Bill 718, Honor and Remember Flag, be placed on the agenda of the next Military and Veterans Affairs and Space Committee meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,



Joe Gruters

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

REPLY TO:

- 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

4/3/2019

Meeting Date

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

718

Bill Number (if applicable)

Topic HONOR and REMEMBER

Amendment Barcode (if applicable)

Name DANNY BURGESS

Job Title EXECUTIVE DIRECTOR

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street

Tallahassee

FL

32399

Email exdir@fdva.state.fl.us

City

State

Zip

Speaking: For Against Information

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

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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 and Space

BILL: SM 852

INTRODUCER: Senators Diaz and Wright

SUBJECT: VA MISSION Act of 2018

DATE: March 28, 2019 REVISED: _____

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

I. Summary:

SM 852 is a memorial to the Congress of the United States, and the United States Department of Veterans Affairs (VA) urging Congress and the VA to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act. The purpose of the VA MISSION Act of 2018 is to overhaul existing law on veteran health care to improve access for veterans. Areas of health care addressed in the law include VA and non-VA health care services, veterans' homes, access to walk-in VA care, and prescription drug procedures.

The memorial requests that Congress and the VA ensure that the law's deadlines are timely met so veterans can have the highest quality of health care both from inside and outside the Veterans Health Administration System (VHA).

More specifically, the memorial states that successful implementation of the act requires:

- Timely publication of clear access and quality standards;
- Seamless access to walk-in care;
- Innovation in care delivery and claims processing; and
- Meeting key deadlines as the VHA reviews its infrastructure needs.

The memorial requests that the Florida Secretary of State dispatch copies to the President of the United States, the Secretary of the VA, the Chairman and Ranking member of the Committee on Veterans' Affairs of the United States House of Representatives, the United States Senate, and to each Florida delegation member of Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

VA MISSION Act of 2018

On June 6, 2018, President Donald Trump signed into law the VA MISSION Act of 2018, formally known as the VA Maintaining Systems and Strengthening Integrated Outside Networks Act.¹ The Act represents an overhaul of existing law on veteran health care to improve access for veterans.²

Features of the law include:

- Consolidating VA community care programs into a single program to make it easier for veterans to navigate;
- Expanding eligibility for the Program of Comprehensive Assistance for Family Caregivers;
- Strengthening the VA's ability to recruit and retain quality medical providers; and
- Strengthening the VA's infrastructure.³

Consolidating Community Care

The VA has provided care to veterans through community providers for decades but as community providers have expanded in number and complexity, veterans have increasingly found community care to be difficult to navigate.⁴ The act consolidates seven VA community care programs into one streamlined program.⁵ As part of this consolidation, the VA is establishing standards for access and quality that will apply to both VA facilities and community providers, based on analysis of best practices in government and the private sector, tailored to the needs of veterans.⁶ Included in the changes to community care is the creation of a safe opioid program. The safe opioid program will facilitate improved information-sharing amongst community health care providers regarding prescriptions issued to veterans.⁷

Expanded Eligibility for the Program of Comprehensive Assistance for Family Caregivers

The Program of Comprehensive Assistance for Family Caregivers offers caregivers of veterans training, educational resources, and other tools, such as a caregiver support line staffed by licensed professionals and a peer support group.⁸ Prior to implementation of the act, the Program of Comprehensive Assistance for Family Caregivers was only available to veterans who incurred or aggravated a serious injury in the line of duty on or after September 11, 2001.⁹ The act

¹ Pub.L. 115-182 (H.R. 5674); GovTrack, <https://www.govtrack.us/congress/bills/115/s2372>

² VetsFirst, *What is the VA Mission Act?*, available at <http://www.vetsfirst.org/what-is-the-va-mission-act/> (last visited March 28, 2019).

³ Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act*, available at <https://www.va.gov/oei/missionAct/> (last visited March 28, 2019).

⁴ *Id.*

⁵ United States Senate Committee on Veterans' Affairs, *The VA MISSION Act of 2018*, available at https://www.veterans.senate.gov/imo/media/doc/One%20Pager_The%20VA%20MISSION%20Act%20of%202018.pdf (last visited March 28, 2019).

⁶ Office of Enterprise Integration, *supra* note 3.

⁷ GovTrack, s. 2372 (115th: VA MISSION Act of 2018, available at <https://www.govtrack.us/congress/bills/115/s2372/summary> (last visited March 28, 2019).

⁸ U.S. Dept. of Veterans Affairs, *VA Caregiver Support*, available at <https://www.caregiver.va.gov/> (last visited March 28, 2019).

⁹ Office of Enterprise Integration, *supra* note 3.

expands the program to eligible veterans and their caregivers from all eras.¹⁰ Expansion will occur in two phases, beginning with those injured on or before May 7, 1975, with further expansion beginning two years later. As of October 2018, the timeline for expansion was still in development.¹¹

Strengthening Recruitment and Retention of the Best Medical Providers

The act provides the VA greater ability to recruit and retain quality medical providers through greater access to an education debt reduction program, and improved flexibility for recruitment, relocation, and retention. VA will also pilot a scholarship program for eligible veterans to be medically trained in exchange for serving in a VA hospital or clinic for four years.¹²

Strengthening Infrastructure

The average VA building is almost 60 years old, with only half built since 1920. The act is designed to strengthen the VA's ability to manage its real property portfolio to enhance quality infrastructure.¹³ To do so, the act requires the VA to establish a nine member Asset and Infrastructure Review Commission, tasked with making recommendations to the President on VHA facility modernization and realignment.¹⁴

Delay in Implementation of the Act

In addition to the phased-in expansion of the caregiver program, in expectation that the community care consolidation would take time, the act contains an appropriation of \$5.2 billion in mandatory funding to provide a continuity of operations under the existing Veterans Choice Program (multiple providers).¹⁵ The VA cites the significant complexity associated with health care delivery as the basis for the lack of immediate implementation of the community care consolidation.¹⁶

III. Effect of Proposed Changes:

SM 852 urges the United States Congress and the United States Department of Veterans Affairs (VA) to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act.

The memorial requests that Congress and the VA ensure that the law's deadlines are timely met so veterans can have the highest quality of health care both from inside and outside the Veterans Health Administration System.

More specifically, the memorial states that successful implementation of the act requires:

- Timely publication of clear access and quality standards;

¹⁰ *Id.*

¹¹ Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act of 2018, Frequently Asked Questions*, available at https://www.va.gov/oei/docs/MISSION_Act_2018_FAQs.pdf (last visited March 28, 2019).

¹² Office of Enterprise Integration, *supra* note 3.

¹³ *Id.*

¹⁴ GovTrack, *supra* note 7.

¹⁵ Office of Enterprise Integration, *supra* note 10.

¹⁶ *Id.*

- Seamless access to walk-in care;
- Innovation in care delivery and claims processing; and
- Meeting key deadlines as the VHA reviews its infrastructure needs.

The memorial requests that the Florida Secretary of State dispatch copies to the President of the United States, the Secretary of the VA, the Chairman and Ranking member of the Committee on Veterans' Affairs of the United States House of Representatives, the United States Senate, and to each Florida delegation member of Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

As SM 852 is a memorial requesting an action of the federal government, mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Diaz

36-01223-19

2019852__

Senate Memorial

A memorial to the Congress of the United States and the United States Department of Veterans Affairs, urging Congress and the department to ensure that the VA MISSION Act of 2018 is implemented in a manner consistent with the legislative intent and purpose of the act.

WHEREAS, Florida has the third largest veteran population in the United States, at approximately 1.6 million veterans, and

WHEREAS, the health and well-being of Florida's veterans are of utmost importance to the members and body of the Florida Legislature, and

WHEREAS, the United States Department of Veterans Affairs has been charged with ensuring the health and well-being of Florida's veterans, but in recent years, it has failed to deliver the quality and timely care our veterans deserve, and

WHEREAS, on June 6, 2018, President Donald J. Trump signed into law the VA MISSION Act of 2018, Public Law No. 115-182, after the legislation had passed both houses of Congress with strong bipartisan support and had received the support of over 30 veteran and military service organizations, and

WHEREAS, upon its full implementation, the VA MISSION Act of 2018 will improve the health and well-being of veterans in Florida and throughout the entire country and will preserve the beneficial aspects of the Veterans Health Administration while giving veterans increased options in community care programs, and

WHEREAS, the VA MISSION Act of 2018 requires an overhaul

Page 1 of 3

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36-01223-19

2019852__

and modernization of the Veterans Health Administration to provide veterans with more choices for where they receive medical care through a new and consolidated Veterans Community Care Program, and

WHEREAS, the Florida Department of Veterans' Affairs operates six skilled nursing facilities and one assisted living facility for veterans, and the VA MISSION Act of 2018 authorizes the Veterans Health Administration to enter into community provider agreements with these facilities to better serve veterans which will result in allowing these facilities to seamlessly partner with the administration without becoming subject to additional federal regulations, and

WHEREAS, the VA MISSION Act of 2018 establishes an information-sharing process to ensure that safe opioid prescribing practices are used by community care providers from which veterans are receiving care, and

WHEREAS, the VA MISSION Act of 2018 expands access to the VA caregivers program to all veterans who have incurred or aggravated serious injuries while serving in active duty, not just those serving since September 11, 2001, and

WHEREAS, the Florida Legislature urges the Federal Government to further improve the quality of veterans' health care available to the state's veteran population, NOW, THEREFORE,

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

That the Congress of the United States and the United States Department of Veterans Affairs are urged to ensure that

Page 2 of 3

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36-01223-19

2019852__

59 the VA MISSION Act of 2018 is implemented in a manner consistent
60 with the legislative intent and purpose of the act.

61 BE IT FURTHER RESOLVED that the Congress and the United
62 States Department of Veterans Affairs are urged to ensure the
63 law's deadlines are timely met so veterans can gain access to
64 the highest quality of health care both inside and outside of
65 the Veterans Health Administration system. Successful
66 implementation requires the timely publication of clear access
67 and quality standards, seamless access to walk-in care,
68 innovation in care delivery and claims processing, and meeting
69 key deadlines as the Veterans Health Administration reviews its
70 infrastructure needs.

71 BE IT FURTHER RESOLVED that the Secretary of State dispatch
72 copies of this memorial to the President of the United States,
73 the Secretary of the United States Department of Veterans
74 Affairs, the Chairman and Ranking Member of the Committee on
75 Veterans' Affairs of the United States House of Representatives,
76 and the United States Senate, respectively, and to each member
77 of the Florida delegation to the United States Congress.



The Florida Senate

Committee Agenda Request

To: Senator Tom A. Wright, Chair
Committee on Military and Veterans Affairs and Space

Subject: Committee Agenda Request

Date: March 20, 2019

I respectfully request that **Senate Bill # 852**, relating to VA MISSION Act of 2018, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.

A handwritten signature in cursive script, appearing to read "M. Diaz, Jr.", written over a horizontal line.

Senator Manny Diaz, Jr.
Florida Senate, District 36

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/2019

Meeting Date

852

Bill Number (if applicable)

Topic VA MISSION Act of 2018

Amendment Barcode (if applicable)

Name DANNY BURGESS

Job Title Executive Director

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street

Tallahassee FL 32399

Email exdir@fdva.state.fl.us

City

State

Zip

Speaking: For Against Information

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

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19

Meeting Date

852

852

Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Bill Helmich Helmich

Job Title _____

Address 303 Johns Dr

Phone 4502513126

Street

Tallahassee FL 32301

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing VFW / American Legion

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3 April 2019

Meeting Date

SM 852

Bill Number (if applicable)

Topic VA Mission Act Memorial

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI

Job Title Director of Coalitions

Address 200 W College Ave

Phone _____

Street

TLH FL

City

State

Zip

Email decheverri@cv4a

Speaking: For Against Information

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

Representing Concerned Veterans For America

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 and Space

BILL: SB 1226

INTRODUCER: Senators Taddeo and Cruz

SUBJECT: Military Veterans and Servicemembers Court Programs

DATE: March 22, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Favorable
2.			JU	
3.			AP	

I. Summary:

SB 1226 requires the chief judge of each judicial circuit to establish a Military Veterans and Servicemember Court Program (veterans court). Current law permits, but does not require, a chief judge to establish the program in his or her judicial circuit.

Additionally, in establishing policies and procedures for the program, the chief judge must consider nationally recognized best practices.

II. Present Situation:

National Use of Veterans' Courts

Studies show that a high percentage of participants in veterans' courts experienced trauma while serving in the military. A 2014 report on veterans' courts found that 46 percent of participants were diagnosed with substance abuse and mental health problems.¹ Throughout the country, courts and legislatures began to adopt veterans' courts as a type of problem-solving court, such as a drug court or mental health court, providing a non-adversarial approach and offering treatment alternatives in sentencing.

Veterans' courts are designed to assist defendants with the complex needs of substance abuse, mental health, and other issues associated with the traumatic experience of war.² Similar to other types of specialty courts, a participant must appear before the court over a lengthy period of time,

¹ Office of Program Policy Analysis and Government Accountability, Research Memorandum, *State-funded Veterans' Courts in Florida*, pg. 1 (Jan. 30, 2015) (on file with the Senate Committee on Military and Veterans Affairs and Space).

² Office of Program Policy Analysis & Government Accountability, *State Courts System Circuit Courts*, available at <http://www.oppaga.state.fl.us/profiles/1015/front.htm/> (last visited March 27, 2019).

on average for about 12 to 18 months. After a veteran successfully completes all the requirements of the court, he or she is considered to graduate.³

Components of veterans courts include:

- The integration of alcohol, drug treatment, and mental health services into justice system case processing;
- A non-adversarial approach;
- The early identification of eligible participants;
- A continuum of services;
- Alcohol and drug testing;
- A coordinated strategy for responses to participants' compliance;
- Ongoing judicial interaction;
- Monitoring and evaluation for program effectiveness;
- Interdisciplinary education; and
- Partnerships with stakeholders.⁴

As of 2017, more than 200 veterans' courts operate in the United States⁵, and 41 states offer veterans' courts programs.⁶

Veterans' Courts in Florida

The 2012 Legislature established in Florida a military and veterans servicemembers court program through passage of the "T. Patt Maney Veterans' Treatment Intervention Act," also known as veterans court.⁷ The Act authorizes the chief judge of a judicial circuit to establish the specialty court program, under which certain veterans⁸ or servicemembers⁹ charged with, or convicted of a crime may be eligible. To qualify for the program, a veteran must have received from the military either an honorable or a general discharge from service.¹⁰ A unique feature of the program is that the court may include appropriate treatment as part of a pre-trial intervention

³ *Id.*

⁴ Justice For Vets, *The Key Components of Veterans Treatment Courts*, available at <https://justiceforvets.org/resources/resource-library/general-veterans-treatment-court/> (last visited March 27, 2019). Justice For Vets, a division of the National Association of Drug Court Professionals, has helped establish more than 200 veterans courts and trained over 3,000 court staff. *Id.*

⁵ The Office of the State Courts Administrator/Office of Court Improvement, *Veterans Resource Guide for the Florida State Court System*, pg. 13, available at https://www.flcourts.org/content/download/217060/1968306/VETERANS_RESOURCE_GUIDE.pdf (last visited March 27, 2019).

⁶ National Center for State Courts, *Veterans Courts*, available at <https://www.ncsc.org/Topics/Alternative-Dockets/Problem-Solving-Courts/Veterans-Court/State-Links.aspx> (last visited March 28, 2019).

⁷ Chapter 2012-159, L.O.F.; s. 394.47891, F.S.

⁸ A veteran is defined in statute as a person who served in the active military, naval, or air service. Section 1.01(14), F.S.

⁹ A servicemember is defined in statute as any person serving as a member of the United States Armed Forces on active duty or state active duty or all members of the Florida National Guard and United States Reserve Forces. Section 250.01(19), F.S.

¹⁰ Section 1.01(14), F.S., provides that a person who at the end of service was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions qualifies as a veteran. Section 394.47891, F.S., provides a cross-reference to this definition, and additionally allows participation by a veteran who has received a general military discharge. Prior to 2016, only a veteran with an honorable discharge of service could participate in veterans court. Chapter 2016-127, L.O.F., expanded eligibility to include a veteran who received a general discharge.

or sentence after considering the severity of a defendant's military-acquired mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.¹¹

Veterans' court involves a collaborative approach amongst the judge, state attorney, defense attorney, case manager, treatment provider, probation officer, law enforcement officials, and representatives of various veterans groups.¹²

Entry into a Military Veterans and Servicemembers Court Program is based upon the recommendation of the state attorney and the victim, and the sentencing court's assessment of the defendant's:

- Criminal history,
- Military service,
- Substance abuse treatment needs,
- Mental health treatment needs, and
- Amenability to the services of the program.¹³

As of February 2019, 31 veterans' courts operate in Florida.¹⁴ A study based on 2017 data shows that the state's veterans' courts admitted 1,051 defendants and graduated 593.¹⁵

III. Effect of Proposed Changes:

SB 1226 requires the chief judge of each judicial circuit to establish a Military Veterans and Servicemember Court Program (veterans' court or program). Current law permits, but does not require, a chief judge to establish a program in his or her judicial circuit.

Additionally, in establishing policies and procedures for the program, the chief judge must consider nationally recognized best practices.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

B. Public Records/Open Meetings Issues:

None.

¹¹ Section 394.47891, F.S.

¹² Florida Courts, *Veterans Courts, Background*, available at <https://www.flcourts.org/Resources-Services/Court-Improvement/Problem-Solving-Courts/Veterans-Courts> (last visited March 27, 2019).

¹³ Section 394.47891, F.S.

¹⁴ Florida Courts, *supra* note 11 (last visited March 27, 2019).

¹⁵ *Id.*

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 participant in veterans' court and his or her family may financially benefit from having the veteran or servicemember successfully complete treatment for trauma-related issues, and avoid incarceration, if possible.

C. Government Sector Impact:

Whether, and the extent to which the courts will incur a fiscal impact due to the statewide mandatory expansion of veterans' court is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 394.47891, Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Taddeo

40-01249-19

20191226__

1 A bill to be entitled
 2 An act relating to military veterans and
 3 servicemembers court programs; amending s. 394.47891,
 4 F.S.; requiring the chief judge of each judicial
 5 circuit to establish a Military Veterans and
 6 Servicemembers Court Program; requiring the chief
 7 judge to consider nationally recognized best practices
 8 when adopting policies and procedures for the program;
 9 providing an effective date.

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

11

12 Section 1. Section 394.47891, Florida Statutes, is amended
 13 to read:
 14 394.47891 Military veterans and servicemembers court
 15 programs.—
 16 (1) The chief judge of each judicial circuit shall ~~may~~
 17 establish a Military Veterans and Servicemembers Court Program
 18 under which veterans, as defined in s. 1.01, including veterans
 19 who were discharged or released under a general discharge, and
 20 servicemembers, as defined in s. 250.01, who are charged or
 21 convicted of a criminal offense and who suffer from a military-
 22 related mental illness, traumatic brain injury, substance abuse
 23 disorder, or psychological problem can be sentenced in
 24 accordance with chapter 921 in a manner that appropriately
 25 addresses the severity of the mental illness, traumatic brain
 26 injury, substance abuse disorder, or psychological problem
 27 through services tailored to the individual needs of the
 28 participant. Entry into any Military Veterans and Servicemembers
 29

Page 1 of 2

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

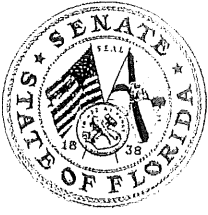
40-01249-19

20191226__

30 Court Program must be based upon the sentencing court's
 31 assessment of the defendant's criminal history, military
 32 service, substance abuse treatment needs, mental health
 33 treatment needs, amenability to the services of the program, the
 34 recommendation of the state attorney and the victim, if any, and
 35 the defendant's agreement to enter the program.
 36 (2) The chief judge shall consider nationally recognized
 37 best practices in adopting policies and procedures for the
 38 program.
 39 Section 2. This act shall take effect July 1, 2019.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Criminal
and Civil Justice
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Infrastructure and Security

SENATOR ANNETTE TADDEO
40th District

March 7, 2019

Senator Tom A. Wright, Chair
Committee on Military and Veterans Affairs and Space
531 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

RE: Committee Agenda Request

Chairman Wright,

I respectfully request that **Senate Bill #1226**, relating to Military Veterans and Servicemembers Court Programs, be placed on the committee agenda at your earliest possible convenience.

Should you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "ATADDEO", written over a horizontal line.

Senator Annette Taddeo
Florida Senate, District 40

REPLY TO:

- 10689 North Kendall Drive, Suite 212, Miami, Florida 33176 (305) 596-3003
- 210 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/19

Meeting Date

1226

Bill Number (if applicable)

Topic Military Veterans & Servicemembers Court Programs

Amendment Barcode (if applicable)

Name Kaitlyn Gardner

Job Title Consultant

Address 113 E. College Ave

Street

Phone 913-422-8571

~~Ft~~ Tallahassee

City

FL

State

32201

Zip

Email Kaitlyn@rsaconsultingllc.com

Speaking: For Against Information

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

Representing United Way Suncoast

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/3/2019

Meeting Date

1226

Bill Number (if applicable)

Topic Veterans Courts

Amendment Barcode (if applicable)

Name Carlos Martinez

Job Title Public Defender, 11th Judicial Circuit

Address 1320 MW 14th St

Phone 305-545-1900

Street

Miami

FL

33125

Email cmartinez@pdmiami.com

City

State

Zip

Speaking: For Against Information

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

Representing FLORIDA PUBLIC DEFENDER ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4/3/19

Meeting Date

1224
1226

Bill Number (if applicable)

Topic Veteran

Amendment Barcode (if applicable)

Name Bill Helmiel Helmiel

Job Title _____

Address 303 Johns Dr

Phone 856 251 3126

Street Fallahassee FL

Zip 32301

City _____ State _____ Zip _____

Speaking: For Against Information

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

Representing FW / American Legion

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Committee on Military And Veterans Affairs and Space

Judge:

Started: 4/3/2019 4:01:05 PM

Ends: 4/3/2019 4:43:32 PM Length: 00:42:28

4:01:04 PM Meeting called to order by Chair Wright
4:01:20 PM Administrative Assistant Lois Graham calls the roll
4:01:28 PM Quorum announced
4:01:40 PM Pledge of Allegiance
4:01:57 PM Chair Wright with opening comments
4:02:24 PM Tab 4 SB 1226 Military Veterans and Servicemembers Court Programs by Senator Taddeo
4:02:34 PM Senator Taddeo explains the bill
4:02:58 PM Chair Wright with comments
4:03:01 PM Senator Broxson with comments
4:03:14 PM Senator Taddeo explains the bill
4:04:05 PM Senator Gainer with question
4:04:13 PM Senator Taddeo responds
4:04:54 PM Chair Wright with comments
4:05:14 PM Senator Gainer with comments/question
4:05:38 PM Senator Taddeo with comments
4:06:38 PM Chair Wright with comments
4:06:41 PM Appearance Forms
4:06:42 PM Bill Helmich, VFW/American Legion waives in support
4:06:48 PM Carlos Martinez, Public Defender, 11th Judicial Circuit waives in support
4:06:57 PM Kaitlyn Gardner, United Way Suncoast, waives in support
4:07:05 PM Senator Cruz in debate
4:08:35 PM Senator Gainer in debate
4:09:10 PM Senator Torres in debate
4:10:17 PM Senator Pizzo in debate
4:10:41 PM Senator Pizzo asks a question of Mr. Martinez
4:10:48 PM Mr. Martinez in response
4:11:18 PM Senator Taddeo closes on bill
4:12:00 PM AA calls the roll on SB 1226
4:12:05 PM SB 1226 reported favorably
4:12:26 PM Tab 3 SM 852 VA Mission Act of 2018 by Senator Diaz
4:12:41 PM Senator Diaz explains the memorial
4:14:05 PM Senator Cruz with question
4:14:16 PM Senator Diaz responds
4:14:37 PM Appearance Forms
4:14:47 PM Diego Echeverri, Director of Coalitions, Concerned Veterans For America speaks in support
4:17:51 PM Bill Helmich, VFW/American Legion waives in support
4:17:57 PM Danny Burgess Executive Director, Florida Department of Veterans Affairs speaks in support
4:19:00 PM Senator Broxson with comments
4:19:16 PM Danny Burgess responds

4:19:44 PM Senator Diaz closes on Memorial
4:20:02 PM AA calls the roll on SM 852
4:20:08 PM SM 852 reported favorably
4:20:26 PM Tab 2 SB 718 Honor and Remember Flag by Senator Gruters
4:20:34 PM Senator Gruters explains the bill
4:21:22 PM Motion to introduce late-filed amendment Amendment Barcode 806586 - without objection
4:21:43 PM Senator Gruters explains the amendment
4:22:12 PM Senator Gruters waives close on amendment
4:22:22 PM Amendment adopted
4:22:31 PM Motion to introduce late-filed Amendment Barcode 388624 - without objection
4:22:45 PM Senator Gruters explains the amendment
4:23:03 PM Senator Gruters waives close on amendment
4:23:08 PM Amendment adopted
4:23:18 PM Back on bill as amended
4:23:23 PM Appearance Forms
4:23:25 PM Danny Burgess, Executive Director, FDVA, speaks in support
4:24:17 PM Senator Gruters closes on bill
4:24:36 PM AA calls the roll on CS/SB 718
4:24:45 PM CS/SB 718 reported favorably
4:25:05 PM Tab 1 SB 620 Military Affairs by Senator Broxson
4:25:13 PM Senator Broxson explains the bill
4:25:34 PM Amendment Barcode 359396 by Senator Broxson
4:26:09 PM Senator Broxson closes on amendment
4:26:16 PM Amendment adopted
4:26:22 PM Back on bill as amended
4:26:28 PM Senator Broxson explains the bill further
4:30:58 PM Senator Pizzo with comments/question
4:32:25 PM Senator Broxson with comments
4:33:01 PM Dr. Bruce Grant, Vice President, Military and Defense, Enterprise Florida speaks
4:33:37 PM Senator Pizzo with question/comments
4:33:45 PM Dr. Grant responds
4:35:01 PM Senator Pizzo with follow-up
4:35:29 PM Senator Cruz with question
4:36:38 PM Senator Broxson responds
4:37:51 PM Senator Pizzo with comments
4:38:02 PM Senator Broxson responds
4:41:20 PM Appearance Forms
4:41:26 PM Claire Whitehead, Director of External Affairs, Enterprise Florida waives in support
4:41:31 PM Bethany Swansun, Legislative Affairs Director, Department of Education waives in support
4:41:46 PM Senator Broxson waives close
4:41:49 PM AA calls the roll on CS/SB 620
4:41:56 PM CS/SB 620 reported favorably
4:42:12 PM Senator Harrell with motion for favorable votes on SB 1226, SM 852, and CS/SB 718
4:42:40 PM Senator Broxson with comments
4:43:00 PM Chair Wright with comments
4:43:13 PM Senator Gainer with motion to adjourn
4:43:22 PM Meeting adjourned