

<b>Tab 1</b>	<b>SPB 7010</b> by <b>MS</b> ; OGSR/Service members and the Spouses and Dependents of Service members
<b>Tab 2</b>	<b>SB 294</b> by <b>Wright (CO-INTRODUCERS) Baxley</b> ; (Identical to H 00167) Crimes Against Veterans
<b>Tab 3</b>	<b>SB 372</b> by <b>Lee (CO-INTRODUCERS) Cruz, Harrell, Broxson</b> ; (Similar to CS/H 00171) Postsecondary Education for Certain Military Personnel
<b>Tab 4</b>	<b>SM 420</b> by <b>Diaz (CO-INTRODUCERS) Broxson</b> ; (Similar to H 00155) VA MISSION Act of 2018

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**MILITARY AND VETERANS AFFAIRS AND SPACE**

**Senator Wright, Chair**

**Senator Cruz, Vice Chair**

**MEETING DATE:** Wednesday, November 13, 2019

**TIME:** 10:00—11:30 a.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
Consideration of proposed bill:			
1	<b>SPB 7010</b>	OGSR/Servicemembers and the Spouses and Dependents of Servicemembers; Amending a provision which provides a public records exemption for the identification and location information of servicemembers and the spouses and dependents of servicemembers; expanding the exemption by removing the requirement that a servicemember submit a written statement that reasonable efforts have been made to protect the information in order to claim the exemption; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 7 Nays 0
2	<b>SB 294</b> Wright (Identical H 167)	Crimes Against Veterans; Citing this act as the "Florida Veterans Protection Act"; providing an enhanced sentence for any person who commits aggravated white collar crimes against a certain number of veterans by obtaining or attempting to obtain a specified amount of money; providing criminal penalties, etc.  MS 11/13/2019 Favorable CJ RC	Favorable Yeas 7 Nays 0
3	<b>SB 372</b> Lee (Similar H 171)	Postsecondary Education for Certain Military Personnel; Requiring the Board of Governors and State Board of Education, in consultation with the Department of Veterans' Affairs, to create a uniform process for the awarding of postsecondary credit to certain servicemembers and veterans of the United States Armed Forces; requiring certain postsecondary institutions to award credit for specified courses taken and occupations held by individuals during military service beginning on a specified date; requiring postsecondary institutions to waive the transcript fee for active duty members of the United States Armed Forces, certain veterans, and their spouses and dependents, etc.  MS 11/13/2019 Favorable ED AP	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Military and Veterans Affairs and Space

Wednesday, November 13, 2019, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SM 420</b> Diaz (Similar HM 155)	VA MISSION Act of 2018; 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, etc.  MS 11/13/2019 Favorable RC	Favorable Yeas 7 Nays 0
5	Presentation by Mark Bontrager, Vice President of Spaceport Operations, Space Florida		Presented
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.)

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

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BILL: SPB 7010

INTRODUCER: For consideration by the Military and Veterans Affairs and Space Committee

SUBJECT: OGSR/Service members and the Spouses and Dependents of Service members

DATE: November 12, 2019 REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Brown	Caldwell		<b>MS Submitted as Comm.Bill/Fav</b>

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**I. Summary:**

SPB 7010 provides an Open Government Sunset Review (OGSR) of an exemption for contact information of a servicemember and his or her family that is held by an agency. Specifically, the exemption protects from disclosure identification and location information of current or former active duty servicemembers who served after September 11, 2001 for the United States Armed Forces, a reserve component of the Armed Forces, or the National Guard. The exemption is scheduled for repeal October 2, 2020.

Protected information consists of the:

- Home address, telephone number, and date of birth of a servicemember;
- Home address, telephone number, date of birth, and place of employment of a spouse or dependent; and
- Name and location of a school attended by a spouse or dependent or a day care facility attended by a dependent.

To receive the exemption, the servicemember must provide a written request to the agency and include a statement that reasonable efforts have been made to otherwise protect the information from public access.

The original public necessity statement for the exemption provided as justification that without the exemption the safety of servicemembers, their spouses, and their dependents would be jeopardized. Concern for the safety of servicemembers and their families has not lifted. Moreover, the requirement for a statement of reasonable effort appears burdensome and inconsistent with similar exemptions. Therefore, the bill reenacts the exemption and revises it to remove the reasonable efforts requirement, which expands the exemption. The bill provides for future legislative review and repeal on October 2, 2025, unless the Legislature saves the exemption from repeal before that date.

As the bill expands the public records exemption, a two-thirds vote by each house of the Legislature is required for its passage.



This bill takes effect October 1, 2020.

## II. Present Situation:

### Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup> In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to

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<sup>1</sup> FLA. CONST., art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST., art. I, s. 24(c).

accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.<sup>11</sup>

When creating a public records exemption, the Legislature may provide that a record is ‘confidential and exempt’ or ‘exempt.’<sup>12</sup> Records designated as ‘confidential and exempt’ may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (referred to hereafter as the “OGSR”) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

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<sup>10</sup> *Id.*

<sup>11</sup> *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>13</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

### **Public Records Exemption for Contact Information of Servicemembers**

On November 30, 2014, the Federal Bureau of Investigation (FBI) and the Department of Homeland Security (DHS) issued a Joint Intelligence Bulletin, *Islamic State of Iraq and the Levant and Its Supporters Encouraging Attacks Against Military Personnel*.<sup>23</sup> In it, the FBI and the DHS warn of potential attacks by the Islamic State of Iraq and the Levant (ISIL) on current and former servicemembers.<sup>24</sup> Specifically,

The FBI recently received reporting indicating individuals located overseas are spotting and assessing like-minded individuals in the United States who are willing and capable of conducting attacks against current and former US-based members of the United States military.<sup>25</sup>

Based on this, the Joint Bulletin urged servicemembers to be mindful of their content and presence on online social media accounts.<sup>26</sup>

In 2015, the Legislature enacted a public records exemption for the contact and location information of a servicemember and his or her family.<sup>27</sup> Specifically, the public records exemption protects from disclosure the identification and location information of current or former active duty servicemembers who served after September 11, 2001 of:

- The United States Armed Forces;

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> Federal Bureau of Investigation (FBI) and Department of Homeland Security (DHS), *Joint Intelligence Bulletin, Islamic State of Iraq and the Levant and Its Supporters Encouraging Attacks Against Military Personnel* (Nov. 30, 2014)(on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Chapter 2015-86, L.O.F.

- A reserve component of the Armed Forces; or
- The National Guard.

The public records exemption protects from disclosure the identification and location information of the servicemember, his or her spouse, and his or her dependents. The information protected by the exemption consists of the:

- Home address, telephone number (including the telephone number of a personal communications device), and date of birth of a servicemember;
- Home address, telephone number (including the telephone number of a personal communications device), date of birth, and place of employment of the spouse or dependent of a servicemember; and
- Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.

The servicemember must request the exemption in writing and include a statement that the servicemember has made reasonable efforts to protect the information from public access through other means. The term “reasonable efforts” is not defined in law.

The original public necessity statement articulates as justification for the exemption that without the exemption the safety of servicemembers, their spouses, and their dependents is jeopardized. Specifically, the public necessity statement provided:

Servicemembers perform among the most critical, most effective, and most dangerous operations in defense of our nation’s freedom. Terrorist groups have threatened servicemembers and their families and have encouraged terrorist sympathizers to harm servicemembers and their families within the United States. One terrorist group has allegedly gathered the photographs and home addresses of servicemembers from public sources to create and publish a list of servicemembers in order to make such persons vulnerable to an act of terrorism.<sup>28</sup>

The public records exemption is scheduled for repeal October 2, 2020.

## **Open Government Sunset Review**

### ***Survey on Public Records Exemption***

During the interim of 2019, Senate and House staff drafted a survey to query various entities on the public records exemption.<sup>29</sup> Staff sent the survey to 23 state agencies, and the associations for the supervisors of elections and the property appraisers for distribution. Staff received 80 responses, or 51 percent:

- State agencies - Of 22 surveyed, 18 responded, for an 82 percent response rate<sup>30</sup>;

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<sup>28</sup> *Id.*

<sup>29</sup> *Open Government Sunset Review Questionnaire, Identification and Location Information of Servicemembers* (July 2019)(on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>30</sup> Surveys were sent to the Departments of Agriculture and Consumer Services, Business and Professional Regulation, Children and Families, Corrections, Economic Opportunity, Education, Elder Affairs, Environmental Protection, Financial Services, Health, Highway Safety and Motor Vehicles, Juvenile Justice, Law Enforcement, Legal Affairs, Lottery,

- Supervisors of Elections - Of 67 surveyed, 21 responded, for a 31 percent response rate; and
- Property Appraisers. - Of 67 surveyed, 41 responded, for a 61 percent response rate.

#### Requests for Public Record Exemption

When asked about the number of requests made since the exemption took effect, the year 2015, entities receiving the top requests are as follows:

- Agencies - The Department of Highway Safety and Motor Vehicles received 512 requests, the Fish and Wildlife Conservation Commission received 34, and the Department of Law Enforcement received 20 to date;
- Supervisors of Elections - Volusia county received 1,465 requests, Pinellas received 325, and Okaloosa received 243 requests to date;
- Property Appraisers - Brevard county received 1,000 requests; Miami-Dade received 95, and Pinellas county received 76 requests to date.<sup>31</sup>

Many entities responded that they have received zero requests for this exemption<sup>32</sup>, and a few did not answer whether they had received requests.

#### Process for Request of Public Record Exemption

Respondents were asked if the agency has a process in place for a servicemember to request a public records exemption. Entities responded that some provide a form, online, in person or both while others handle it case by case. Several agencies include a public records exemption request form in the packet provided to new employees. Forms typically provide a checkoff list of available exemptions.<sup>33</sup> A number of counties specifically identify form DOS-119, provided by the Florida Department of State, as the Public Records Exemption Request form in use by their office.<sup>34</sup> The form requires servicemembers to have served after September 11, 2001 and for the applicant to certify, in signing the form that reasonable efforts have been made to protect the information from public disclosure.<sup>35</sup>

#### Complaints about Public Records Exemption

When asked whether the agency has received complaints about the exemption, nine entities responded that they had received at least one. Most complaints were made to the Property Appraiser, and may indicate the unique nature of the information maintained by their office and accessed for various purposes. As noted by the St. Johns County Property Appraiser:

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Management Services, Military Affairs, Revenue, State, Transportation, Veterans' Affairs, and the Fish and Wildlife Conservation Commission.

<sup>31</sup> A number of agencies and counties report that they maintain data on requests for public records exemptions in the aggregate, so that they have no way of discerning how many requests are made for this specific public records exemption.

<sup>32</sup> Entities reporting that they have not received any requests for this public records exemption are: Agencies - the Departments of Corrections, Economic Opportunity, Environmental Protection, Health, Juvenile Justice, and Legal Affairs; Property Appraisers - Alachua, Baker, Bradford, Charlotte, Columbia, Desoto, Dixie, Gilchrist, Gulf, Hardee, Hendry, Indian River, Liberty, Madison, Okeechobee, Putnam, Taylor, Union, and Wakulla Counties; and Supervisors of Election - Citrus, Collier, Holmes, and Union Counties.

<sup>33</sup> These are the Departments of Education, Environmental Protection, Financial Services, Health, Legal Affairs, Management Services, Military Affairs, and Revenue.

<sup>34</sup> These are Bay, Collier, Flagler, Levy, Monroe, Pinellas, Putnam, Volusia, and Walton Counties.

<sup>35</sup> Florida Department of State, *Public Records Exemption Request, Form DOS-119; Rev. 06/2015*; available at: <https://dos.myflorida.com/media/695507/public-records-exemption-formdos-119.pdf>.

We occasionally hear verbal complaints, because once someone has made their information confidential within our office, we can no longer discuss any sort of property information with them electronically or over the phone. Further, other organizations or departments (such as the building department) cannot look up the tax payer's information electronically. So, if the taxpayer is trying to pull a permit, or refinance their house, they physically have to come in with their driver's license or ID to receive such information when usually those organizations can simply pull it from our website.<sup>36</sup>

#### Recommendation on Exemption

When asked whether an entity would recommend continuing the exemption, of total respondents, 37 recommend reenacting the exemption as is. In contrast, 25 respondents recommend reenactment with changes. Of these, 10 respondents recommend deleting the reasonable efforts requirement or defining the term.<sup>37</sup> Twelve other respondents specifically requested that the Legislature lift the restriction on the post-September 11, 2001 date.<sup>38</sup> Remaining respondents either did not answer the question or specified that they wished to remain neutral.

Only the Alachua County Property Appraiser, St. Johns County Property Appraiser, and Wakulla County Property Appraiser recommend repeal of the exemption.<sup>39</sup>

#### ***Current Threat to Servicemembers***

The Federal Bureau of Investigation (FBI) provided a letter<sup>40</sup> to the Florida Senate updating threats to servicemembers since its issuance of the Joint Intelligence Bulletin of 2014. In the letter, the FBI submitted that on September 23, 2016, Ardit Ferizi was sentenced to 20 years imprisonment for providing material support to the Islamic State of Iraq and the Levant (ISIL), and accessing databases containing personal identifying information (PII) of tens of thousands of people, including military servicemembers and other governmental personnel. Mr. Ferizi subsequently culled the PII of servicemembers and other government personnel, which totaled about 1,300 individuals, and provided it to an ISIL member, who on August 11, 2015, posted by tweet a hit list that contained the PII of the individuals.

In February 2019 the FBI Jacksonville Field Office identified 12 new web pages that were hosting the ISIL hit list with all or some of the PII of the 1,300 individuals. One of the pages states:

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<sup>36</sup> St. Johns County Property Appraiser, *Survey Response* (July 18, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>37</sup> These are: the Florida Department of Law Enforcement; the Property Appraisers of Charlotte, Duval, Hernando, Miami-Dade, Palm Beach, St. Lucie, and Wakulla Counties; and the Supervisors of Election of Collier and Union Counties.

<sup>38</sup> These are: the Departments of Elder Affairs, Highway Safety and Motor Vehicles, Law Enforcement, and Military Affairs; the Property Appraisers of Brevard and Polk Counties; and the Supervisors of Election of Hernando, Levy, Okaloosa, Pinellas, St. Johns, and Volusia Counties.

<sup>39</sup> "The concept, first enacted for law enforcement decades ago, has been eclipsed by the continued advancement of available technology." Alachua County Property Appraiser, *Survey Response* (July 25, 2019) (on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>40</sup> FBI, *Re: Update on Department of Justice Press Release 16-1085 regarding Ardit Ferizi* (Oct. 11, 2019)(on file with the Senate Committee on Military and Veterans Affairs and Space).

O Crusaders, as you continue your ag[g]ression towards the Islamic State and your bombing campaign against the muslims, know that we are in your emails and computer systems, watching and recording your every move ... . [W]e are extracting confidential data and passing on your personal information to the soldiers ... who ... will strike at your necks in your own lands!<sup>41</sup>

### ***Requirement of Reasonable Efforts***

As noted above, what is meant by a reasonable effort to protect information from public access is not defined in law.

Prior to 2017, various other public record exemptions required the requesting applicant to include a written statement that a reasonable effort had been made to protect the information from other sources.

In 2017, however, the Legislature deleted this requirement from the following exemptions afforded to:

- A general magistrate;
- A special magistrate;
- A judge of compensation claims;
- An administrative law judge of the Division of Administrative hearings;
- A child support enforcement hearing officer;
- A current or former guardian ad litem;
- A current or former investigator or inspector of the Department of Business and Professional Regulation;
- A county tax collector;
- A current or former employee of the Department of Health;
- A current or former impaired practitioner consultant retained by an agency or whose duties result in a determination of a person's skill and safety to practice a licensed profession;
- A current or former emergency medical technician or paramedic; or
- A current or former employee of an inspector general or internal audit department.<sup>42</sup>

In its public necessity statement, the Legislature notes:

Requiring these personnel prove that they made reasonable efforts to protect their identification and location information is an added burden on these individuals as well as on agencies ... . The extent to which these individuals must protect their information from public accessibility is unclear. It is also unclear how much proof an agency needs ... . The burden on an agency ... adversely impacts the effective and efficient administration of government in establishing who is eligible for an exemption. Relatively few public record exemptions require an individual to prove that he or she made reasonable efforts to protect his or her information ... . Such inconsistencies among public record exemptions reduce accuracy and

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<sup>41</sup> *Id.*

<sup>42</sup> Chapter 2017-66, L.O.F.

efficiency when redacting exempt information ... . It is not in the public interest for the public to receive inaccurately redacted information.<sup>43</sup>

Currently, in addition to the servicemember exemption the only remaining requirement of reasonable efforts applies to an exemption for a current or former United States attorney, assistant United States attorney, judge of the United States Court of Appeal, United States district judge, or United States magistrate.<sup>44</sup>

### ***Other Exemptions***

Part of the OGSR requires a review of other exemptions that may protect the same public record or meeting, and consideration of whether multiple exemptions may be merged. While it is possible that portions of information may be protected if a servicemember qualifies under another exemption, for example if the servicemember works in law enforcement <sup>45</sup>, s. 119.071(5)(k), F.S., uniquely protects the identifying and location information of servicemembers and their families. Additionally, no other exemption would be appropriate for merging. Therefore, the information and application of this exemption is not duplicated elsewhere in law, nor can it be merged with another exemption.

### **III. Effect of Proposed Changes:**

The public necessity statement for the original exemption provides as justification that without the exemption the safety of servicemembers, their spouses, and their dependents is jeopardized. Based on information received from the Federal Bureau of Investigation, that concern has not lifted.

Therefore, the bill reenacts the public record exemption for servicemembers and their families. Additionally, the bill expands the exemption by removing the requirement that a servicemember provide a statement that reasonable efforts have been made to otherwise protect the information. Removing this requirement reflects concerns expressed by survey respondents in how to define a reasonable effort and is also consistent with the wholesale change that the Legislature made in 2017 in deleting the requirement of reasonable efforts from most other exemptions.

Although some survey respondents also requested that the Legislature expand the exemption to all servicemembers, the bill does not do so, as the intended target of the threat appears to continue to apply to servicemembers who served after September 11, 2001.<sup>46</sup>

The public necessity statement provides that requiring the servicemembers to prove that they have made a reasonable effort to protect the information unduly burdens both the servicemember and the agency. Further, the public necessity statement notes that in 2017, the Legislature removed the reasonable efforts requirement from all but two exemptions, including this one. As such, this type of inconsistency among public records exemptions reduces accuracy and efficiency of redacting exempt information when a public records request is made.

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<sup>43</sup> *Id.*

<sup>44</sup> Section 119.071(5)(i), F.S.

<sup>45</sup> Section 119.071(4)(d), F.S., provides a public records exemption for home addresses, phone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel.

<sup>46</sup> FBI, *supra* note 40.



The bill provides for future legislative review and repeal on October 2, 2025, unless the Legislature saves the exemption from repeal before that date.

As the bill expands the exemption, a two-thirds vote of each house of the Legislature is needed for it to pass.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

As this is an Open Government Sunset Review, the bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of state tax shared with counties or municipalities.

##### **B. Public Records/Open Meetings Issues:**

The bill reenacts and expands an existing public records exemption for contact and location information of certain current and former servicemembers and their families. As the bill expands the public records exemption, a two-thirds vote by each house of the Legislature is required for its passage.

##### **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:**

Expanding the exemption by removing the requirement of a reasonable effort statement may lessen the burden on servicemembers who file exemption requests.

##### **C. Government Sector Impact:**

Expanding the exemption by removing the requirement of a reasonable effort statement may lessen the burden on governmental entities who receive exemption requests.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially section 119.071 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

FOR CONSIDERATION By the Committee on Military and Veterans  
Affairs and Space

583-00887A-20

20207010pb

A bill to be entitled

An act relating to a review under the Open Government  
Sunset Review Act; amending s. 119.071, F.S., which  
provides a public records exemption for the  
identification and location information of  
servicemembers and the spouses and dependents of  
servicemembers; expanding the exemption by removing  
the requirement that a servicemember submit a written  
statement that reasonable efforts have been made to  
protect the information in order to claim the  
exemption; providing for future legislative review and  
repeal of the exemption; providing a statement of  
public necessity; providing an effective date.

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

Section 1. Paragraph (k) of subsection (5) of section  
119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of  
public records.—

(5) OTHER PERSONAL INFORMATION.—

(k)1. For purposes of this paragraph, the term:

a. "Identification and location information" means the:

(I) Home address, telephone number, and date of birth of a  
servicemember, and the telephone number associated with a  
servicemember's personal communication device.

(II) Home address, telephone number, date of birth, and  
place of employment of the spouse or dependent of a  
servicemember, and the telephone number associated with such

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spouse's or dependent's personal communication device.

(III) Name and location of a school attended by the spouse  
of a servicemember or a school or day care facility attended by  
a dependent of a servicemember.

b. "Servicemember" means a current or former member of the  
Armed Forces of the United States, a reserve component of the  
Armed Forces of the United States, or the National Guard, who  
served after September 11, 2001.

2. Identification and location information held by an  
agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the  
State Constitution if a servicemember submits to an agency that  
has custody of the identification and location information—

~~a. a written request to exempt the identification and  
location information from public disclosure; and~~

~~b. A written statement that he or she has made reasonable  
efforts to protect the identification and location information  
from being accessible through other means available to the  
public.~~

3. This exemption applies to identification and location  
information held by an agency before, on, or after the effective  
date of this exemption.

4. This paragraph is subject to the Open Government Sunset  
Review Act in accordance with s. 119.15 and shall stand repealed  
on October 2, 2025 ~~2020~~, unless reviewed and saved from repeal  
through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public  
necessity to remove the requirement that a servicemember submit  
a written statement that he or she has made reasonable efforts  
to protect their identification and location information from

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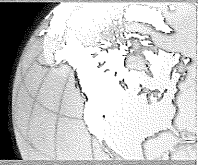
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59 being accessible through other means available to the public in  
60 order to claim the public records exemption under s.  
61 119.071(5)(k), Florida Statutes. The requirement of a written  
62 statement of reasonable efforts is an added burden on these  
63 individuals as well as on agencies receiving public records  
64 requests. The extent to which servicemembers must protect their  
65 information from public accessibility in order to satisfy the  
66 reasonable efforts standard is unclear. It is also unclear how  
67 much proof of reasonable efforts made by an individual is needed  
68 by an agency in order to grant the exemption. The burden on an  
69 agency to verify whether these individuals have protected from  
70 public disclosure their identification and location information  
71 adversely impacts the effective and efficient administration of  
72 government in establishing who is otherwise eligible for an  
73 exemption. In 2017, the Legislature removed the requirement that  
74 certain agency personnel could claim a public records exemption  
75 only if reasonable efforts had been made in protecting such  
76 information from being accessible through other means available  
77 to the public from numerous public records exemptions. Following  
78 the 2017 amendments, only two public records exemptions under  
79 current law, including the exemption for identification and  
80 location information for servicemembers, continue to impose that  
81 requirement. Such inconsistencies among public records  
82 exemptions reduce accuracy and efficiency of redacting exempt  
83 information when a public records request for agency personnel  
84 information is made. It is not in the public interest for the  
85 public to receive inaccurately redacted information.

86 Section 3. This act shall take effect October 1, 2020.



# JOINT INTELLIGENCE BULLETIN



30 November 2014

## **(U//FOUO) Islamic State of Iraq and the Levant and Its Supporters Encouraging Attacks Against Military Personnel**

### **(U) Scope**

(U//FOUO) This Joint Intelligence Bulletin (JIB) is intended to provide information on the potential for Islamic State of Iraq and the Levant (ISIL) and its supporters to carry out attacks on military personnel. The FBI and DHS recommend that current and former members of the military review their online social media accounts for any information that might serve to attract the attention of ISIL and its supporters. This JIB is intended to support the activities of FBI and DHS to assist federal, state, and local government counterterrorism and law enforcement officials, first responders, and private sector security partners in effectively deterring, preventing, preempting, or responding to terrorist attacks against the United States.

(U) *Coordinated with DCTC, NCTC.*

**(U) Overview**

(U//FOUO) The FBI and DHS are issuing this *Bulletin* to advise of public calls by ISIL and its supporters for attacks against military personnel, and to advise that current and former members of the military review their online social media accounts for any information that might serve to attract the attention of violent extremists, and routinely exercise operational security in their interactions online. Attacks and plots over the past three months—involving alleged ISIL supporters acting in several Western countries after calls for attacks by group members—suggest that ISIL's September 2014 endorsement of attacks against members of the military, law enforcement, and government personnel could embolden some violent extremists.\*

**(U//FOUO) ISIL and Online Supporters Call for Attacks Against Military Personnel**

(U//FOUO) ISIL and self-described ISIL supporters on violent extremist web forums and social media are calling for retaliation in the Homeland for ongoing US airstrikes in Iraq and Syria. Leaders of ISIL have made repeated calls for supporters in the United States to pledge an oath of obedience to ISIL and to attack military, law enforcement, security, and intelligence personnel in the Homeland. The FBI and DHS assess that these calls could motivate some homegrown violent extremists (HVEs)<sup>†</sup> to attempt Homeland attacks, particularly against current and former military personnel.

- » (U//FOUO) The FBI recently received reporting indicating individuals located overseas are spotting and assessing like-minded individuals in the United States who are willing and capable of conducting attacks against current and former US-based members of the United States military.
- » (U//FOUO) On 21 September 2014, a forum participant posted a message containing links to download an English-language translation of an audio message attributed to Abu-Muhammad al-Adnani, the ISIL spokesman, titled "Indeed Your Lord Is Ever Watchful [Koranic verse, al-Fajr, 89:14]." Al-Adnani in the message advocated for lone offenders<sup>‡</sup> in the West to attack "soldiers, patrons, and troops...their police, security, and intelligence members." He suggested lone offenders should kill such government personnel "in any manner" and that potential attackers should "not ask for anyone's advice" prior to striking because such attacks are legitimate.

\* (U//FOUO) For more information related to ISIL calls for attacks on military, law enforcement, and other government personnel see FBI, DHS *Joint Intelligence Bulletin* "(U//FOUO) Islamic State of Iraq and the Levant and Its Supporters Encouraging Attacks Against Law Enforcement and Government Personnel," 11 October 2014, IA-0017-15.

† (U//FOUO) The FBI and DHS define an HVE as a person of any citizenship who has lived and/or operated primarily in the United States or its territories who advocates, is engaged in, or is preparing to engage in ideologically motivated terrorist activities (including providing support to terrorism) in furtherance of political or social objectives promoted by a foreign terrorist organization, but is acting independently of direction by a foreign terrorist organization. HVEs are distinct from traditional domestic terrorists who engage in unlawful acts of violence or to intimidate civilian populations or attempt to influence domestic policy without direction from or influence from a foreign actor.

‡ (U//FOUO) The FBI and DHS define a lone offender as an individual motivated by one or more violent extremist ideologies who, operating alone, supports or engages in acts of violence in furtherance of that ideology or ideologies that may involve influence from a larger terrorist organization or a foreign actor.

- » (U//FOUO) On 16 September 2014, an ISIL supporter posted to an ISIL-dominated forum an Arabic-language document—also readily available via an English translation—titled “A Message to 2.6 Million Muslims in the United States: This Is How To Respond to Obama's War on Islam.” In the 11-page document, the author advocates “open source jihad, or lone wolf operations,” and offers a list of potential targets, including military, law enforcement, and government officials.

### **(U//FOUO) October Attacks Used Small Arms and Vehicles to Harm Canadian Military Personnel**

(U//FOUO) Two separate attacks in Canada in October 2014 resulted in two deaths and three injuries of Canadian military and law enforcement personnel.

- » (U//FOUO) On 22 October 2014, Canadian national Michael Zahaf-Bibeau shot and killed a Canadian soldier on guard at the National War Memorial in Ottawa, according to the Royal Canadian Mounted Police (RCMP). The subject then proceeded to the Canadian Parliament building where he entered the foyer and fired numerous rounds of ammunition, injuring two guards before law enforcement fatally shot him, according to media reports. Bibeau likely acted alone, but the investigation into the attack, which could identify possible accomplices, is ongoing.
- » (U//FOUO) On 20 October 2014, Canadian national Martin Rouleau-Couture struck three soldiers with an automobile outside a Canadian military facility located at a strip mall in Saint-Jean-sur-Richelieu, Quebec, killing one, wounding one, and grazing a third. Following the incident, police pursued the subject by car until the subject lost control of his vehicle and crashed into a ditch. He then exited the car and was shot and killed by Canadian police after threatening officers with a knife.

### **(U) Outlook**

(U//FOUO) It is difficult to assess triggers that will contribute to HVEs attempting acts of violence. Moreover, HVE lone offenders present law enforcement with limited opportunities to detect and disrupt plots, which frequently involve simple plotting against targets of opportunity. We urge vigilance in matters of personal safety and reporting to authorities of indicators of preoperational activity.

### **(U) Past Behaviors Associated with Radicalization and Mobilization to Violence**

(U//FOUO) A body of court documents and press reporting reveals several observable behaviors that may indicate radicalization and mobilization to violence by HVEs. Some of these activities may be constitutionally protected, and any determination of possible illicit intent should be supported by additional facts that justify reasonable suspicion. These activities are general in nature and any one may be insignificant on its own, but when observed in combination with other suspicious behaviors—particularly advocacy of violence—they may constitute a basis for reporting.

- » (U//FOUO) Sharing of media glorifying violent extremist acts in attempting to mobilize others to violence;
- » (U//FOUO) New or increased advocacy of violence;

- » (U//FOUO) Encouraging visits to violent extremist websites highlighting perceived Western atrocities against Muslims to encourage others to engage in violence;
- » (U//FOUO) Active participation in violent extremist web forums to recruit or support terrorism;
- » (U//FOUO) Communicating with known or suspected homegrown or foreign-based violent extremists using e-mail or social media platforms;
- » (U//FOUO) A subject's advocacy that their religious, cultural, or national group requires violent defense from an external threat;
- » (U//FOUO) Participation in paramilitary exercises and reconnaissance and surveillance activities in a manner that is reasonably indicative of pre-operational planning related to terrorism, particularly in conjunction with advocacy of violence;
- » (U//FOUO) Suspicious training behavior that would arouse suspicion in a reasonable person, such as the targeting of effigies, mimicking specific operational conditions at gun ranges or gun shows, or practicing assault tactics at paintball facilities;
- » (U//FOUO) Use of cover terms to mask the true meaning of events or nefarious activities combined with active advocacy of violence;
- » (U//FOUO) Acquisition of suspicious quantities of weapons and ammunition, or materials that could be used to produce explosives such as hydrogen peroxide, acetone, gasoline, propane, or fertilizer; and
- » (U//FOUO) Suspicious weapons purchases, such as attempted purchases by individuals providing inconsistent or suspect identification, refusal to fill out the appropriate documentation, or issuance of vague or cryptic warnings that are violent in nature during purchase.

#### (U) Report Suspicious Activity

**(U) To report suspicious activity, law enforcement, Fire-EMS, private security personnel, and emergency managers should follow established protocols; all other personnel should call 911 or contact local law enforcement.** Suspicious activity reports (SARs) will be forwarded to the appropriate fusion center and FBI Joint Terrorism Task Force for further action. For more information on the Nationwide SAR Initiative, visit <http://nsi.ncirc.gov/resources.aspx>.

#### (U) Administrative Note: Law Enforcement Response

(U//FOUO) Information contained in this intelligence bulletin is for official use only. No portion of this *Bulletin* should be released to the media, the general public, or over nonsecure Internet servers. Release of this material could adversely affect or jeopardize investigative activities.

(U) For comments or questions related to the content or dissemination of this document, please contact the Syria-Iraq Task Force by e-mail at [FBI\\_CTAS@ic.fbi.gov](mailto:FBI_CTAS@ic.fbi.gov) or the I&A Production Branch by e-mail at [IA.PM@hq.dhs.gov](mailto:IA.PM@hq.dhs.gov).

(U) Tracked by: HSEC-8.1, HSEC-8.2, HSEC-8.5, HSEC-8.8.3



**The House Oversight, Transparency & Public Management Subcommittee  
The Senate Committee on Military and Veterans Affairs and Space  
July 2019**

**Open Government Sunset Review Questionnaire**  
(Identification and location information of servicemembers)

**PLEASE RETURN THIS QUESTIONNAIRE BY AUGUST 1, 2019, TO BOTH:**

**Frank X. Moehrle Jr.**  
**Attorney**  
**House Oversight, Transparency, and Public**  
**Management Subcommittee**  
**Frank.Moehrle@myfloridahouse.gov**  
**Phone: (850) 717-4890**

**Cindy M. Brown**  
**Senior Attorney**  
**Senate Committee on Military and**  
**Veterans Affairs and Space**  
**Brown.Cindy@flsenate.gov**  
**Phone: (850) 487-5785**

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In 2015, the Legislature created a public record exemption in section 119.071(5)(k), Florida Statutes, for the identification and location information of current or former active duty service members of the Armed Forces, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001. The public record exemption protects from disclosure the identification and location information of the service member, his or her spouse, and his or her dependents if the service member makes a written request and includes a statement that the service member has made reasonable efforts to protect the information from being publicly accessed through other means.

This public record exemption stands repealed on October 2, 2020, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, Florida Statutes).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(5)(k), Florida Statutes, is attached for your convenience.

---

**Name of agency:**

**Name of person completing the questionnaire:**

**Title of person completing the questionnaire:**

**Telephone number of person completing the questionnaire:**

**E-mail address of person completing the questionnaire:**

**Date that this questionnaire was completed:**

## Public Record Exemption under Review

Section 119.071(5)(k), Florida Statutes, provides a public record exemption for certain identification and location information of current or former active duty servicemembers of the United States Armed Forces who served after September 11, 2001, and for certain identification and location information for their spouses and dependents. Such identification and location information includes the:

- Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device;
- Home address, telephone number, date of birth, and place of employment of the spouse or dependent of such servicemember, and the telephone number associated with such spouse's or dependent's personal communication device; and
- Name and location of the school attended by the spouse, or the school or day care facility attended by the dependent of such servicemember.

The public record exemption protects from disclosure the identification and location information of the servicemember, his or her spouse, and his or her dependents if the servicemember makes a written request and includes a statement that the servicemember has made reasonable efforts to protect the information from being publicly accessed through other means.

1. Generally, for what purpose does your agency collect or maintain identification and location information (names, addresses, phone numbers)? Please explain the reasons for maintaining such information (for example, for licensing).
2. Does your agency have a process for a current or former servicemember to request that his or her identification and location information or that of a family member be protected from public records? If "yes," please describe the process. For example, is there a form that the servicemember must complete or does the agency alert the servicemember that he or she may request such protection?
3. Has your agency had instances in which a current or former servicemember has submitted a written request to protect from public records his or her own identification and location information or that of a family member? If "yes":
  - a. Did the servicemember include a written statement that he or she has made reasonable efforts to protect the information from otherwise being accessed by the public?
  - b. Did your agency ask when the servicemember served?
  - c. Approximately how many requests has your agency received each year beginning in 2015?

- d. Has your agency ever denied such a request (for example, for not being in writing or for not including a statement that reasonable efforts have been made to protect such information)? Please explain.
4. What does your agency consider “reasonable efforts” to protect the information from being accessed by the public?
5. Has your agency received a public record request for the exempt identification and location information?
  - a. If “yes,” please describe the types of entities requesting such information, if available, and how many requests were received each year since July 1, 2015.
  - b. If “yes,” was the information released? Please explain.
6. That you know of, has your agency had any difficulties interpreting or applying the public record exemption for identification and location information of current or former active duty servicemembers and their spouses and dependents? Please explain.
7. Does any other state or federal law protect the identification and location information of current or former active duty servicemembers and their spouses and dependents? If “yes”:
  - c. Please provide the specific state or federal citation for each exemption and specify the types of information each state or federal law protects.
  - d. Please explain which exemption the agency relies upon when responding to a public record request that would include the identification and location information of current or former active duty servicemembers.
  - e. Can the public record exemption for identification and location information of current or former active duty servicemembers be repealed or merged with the other exemption(s)? Please explain.
8. Has the public record exemption under review ever been the subject of litigation? If “yes,” please explain and provide the appropriate case citations.

9. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☐ Repeal the public records exemption.
- ☐ Reenact the public records exemption as is.
- ☐ Reenact the public records exemption with changes.

10. Please provide a brief explanation of your recommendation in question 9.

11. Has your agency received complaints about the public record exemption? If “yes,” please explain.

12. Please provide any additional comments regarding the public record exemption under review.

### **Public Record Exemption under Review**

#### **119.071(5)(k) General exemptions from inspection or copying of public records.—**

(k)1. For purposes of this paragraph, the term:

a. “Identification and location information” means the:

(I) Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember’s personal communication device.

(II) Home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse’s or dependent’s personal communication device.

(III) Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.

b. “Servicemember” means a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001.

2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if a servicemember submits to an agency that has custody of the identification and location information:

a. A written request to exempt the identification and location information from public disclosure; and

b. A written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.

3. This exemption applies to identification and location information held by an agency before, on, or after the effective date of this exemption.

4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

**History.**—s. 1, ch. 2015-86.

**The House Oversight, Transparency & Public Management Subcommittee  
The Senate Committee on Military and Veterans Affairs and Space  
July 2019**

**Open Government Sunset Review Questionnaire  
(Identification and location information of servicemembers)**

**PLEASE RETURN THIS QUESTIONNAIRE BY AUGUST 1, 2019, TO BOTH:**

**Frank X. Moehrle Jr.  
Attorney  
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Management Subcommittee  
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**Cindy M. Brown  
Senior Attorney  
Senate Committee on Military and  
Veterans Affairs and Space  
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In 2015, the Legislature created a public record exemption in section 119.071(5)(k), Florida Statutes, for the identification and location information of current or former active duty service members of the Armed Forces, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001. The public record exemption protects from disclosure the identification and location information of the service member, his or her spouse, and his or her dependents if the service member makes a written request and includes a statement that the service member has made reasonable efforts to protect the information from being publicly accessed through other means.

This public record exemption stands repealed on October 2, 2020, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, Florida Statutes).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(5)(k), Florida Statutes, is attached for your convenience.

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**Name of agency: St. Johns County Property Appraiser**

**Name of person completing the questionnaire: Nikki Pontello**

**Title of person completing the questionnaire: Chief Administrative Officer**

**Telephone number of person completing the questionnaire: 904-827-5542**

**E-mail address of person completing the questionnaire: nikki@sjcpa.us**

**Date that this questionnaire was completed: 07/18/2019**

## Public Record Exemption under Review

Section 119.071(5)(k), Florida Statutes, provides a public record exemption for certain identification and location information of current or former active duty servicemembers of the United States Armed Forces who served after September 11, 2001, and for certain identification and location information for their spouses and dependents. Such identification and location information includes the:

- Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device;
- Home address, telephone number, date of birth, and place of employment of the spouse or dependent of such servicemember, and the telephone number associated with such spouse's or dependent's personal communication device; and
- Name and location of the school attended by the spouse, or the school or day care facility attended by the dependent of such servicemember.

The public record exemption protects from disclosure the identification and location information of the servicemember, his or her spouse, and his or her dependents if the servicemember makes a written request and includes a statement that the servicemember has made reasonable efforts to protect the information from being publicly accessed through other means.

1. Generally, for what purpose does your agency collect or maintain identification and location information (names, addresses, phone numbers)? Please explain the reasons for maintaining such information (for example, for licensing).

Per statute 193.114(p)(q)(r)(t) the Property Appraiser's office is required to maintain the name and address of the owner, the state of domicile of the owners and the physical address of the property. Also included in this statute, is information specific to the homestead property, including the social security number of the homestead applicant and the applicant's spouse.

2. Does your agency have a process for a current or former servicemember to request that his or her identification and location information or that of a family member be protected from public records? If "yes," please describe the process. For example, is there a form that the servicemember must complete or does the agency alert the servicemember that he or she may request such protection?

Yes. To request protected status, the current or former servicemember must fill out our request form (PR-CONF), and sign the owner's agreement at the bottom of the form, which is available in person or on our website.

3. Has your agency had instances in which a current or former servicemember has submitted a written request to protect from public records his or her own identification and location information or that of a family member? If "yes":

No, we have never had a written request from a servicemember. All request have been submitted using our Request for Confidentiality of Personal Information Form (PR-CONF).

- a. Did the servicemember include a written statement that he or she has made reasonable efforts to protect the information from otherwise being accessed by the public?

No, they sign the PR-CONF form certifying they meet the requirements of F.S. 119.071(5)(k)1.b. to be exempt from our records. If their information is obtainable outside of SJCPA records & data, that is beyond the scope of our office.

- b. Did your agency ask when the servicemember served?

No, they sign the PR-CONF form certifying they meet the requirements of F.S. 119.071(5)(k)1.b.

- c. Approximately how many requests has your agency received each year beginning in 2015?

Minimal. Our office does not have many request annually. I would estimate 2 or 3 a year.

- d. Has your agency ever denied such a request (for example, for not being in writing or for not including a statement that reasonable efforts have been made to protect such information)? Please explain.

No, as long as they sign the PR-CONF form certifying they meet the requirements of F.S. 119.071(5)(k)1.b. to be exempt from our records, we would not deny the request.

4. What does your agency consider “reasonable efforts” to protect the information from being accessed by the public?

We have always only required military to sign PR-CONF certifying they meet the statutory requirements. Our protected parcel information is not accessible from our external nor internal website. If a protected parcel is searched on our property records page, or our maps, the result will be “no data found.” If the parcel is selected on our maps instead of searched through our property records, the result will be “no data found.” If we interface our data with outside agencies, we exclude confidential parcel information entirely or require a MOU with the agency to share protected information. Further, protected parcel are not searchable from our internal CAMA system either, such parcels are only viewable internally from our CAMA system after running a query.

5. Has your agency received a public record request for the exempt identification and location information? No.

- a. If “yes,” please describe the types of entities requesting such information, if available, and how many requests were received each year since July 1, 2015.

- b. If “yes,” was the information released? Please explain.
6. That you know of, has your agency had any difficulties interpreting or applying the public record exemption for identification and location information of current or former active duty servicemembers and their spouses and dependents? Please explain.

No, as long as they sign the PR-CONF form certifying they meet the requirements of F.S. 119.071(5)(k)1.b. to be exempt from our records, we would not deny the request.

7. Does any other state or federal law protect the identification and location information of current or former active duty servicemembers and their spouses and dependents? If “yes”:

Not that we are aware of.

- c. Please provide the specific state or federal citation for each exemption and specify the types of information each state or federal law protects.
- d. Please explain which exemption the agency relies upon when responding to a public record request that would include the identification and location information of current or former active duty servicemembers.
- e. Can the public record exemption for identification and location information of current or former active duty servicemembers be repealed or merged with the other exemption(s)? Please explain.
8. Has the public record exemption under review ever been the subject of litigation? If “yes,” please explain and provide the appropriate case citations.

No.

9. Which of the following actions does your agency recommend the Legislature take (Please select one):

- ☒ Repeal the public records exemption.
- ☐ Reenact the public records exemption as is.
- ☐ Reenact the public records exemption with changes.

10. Please provide a brief explanation of your recommendation in question 9.



We would recommend repealing the exemption because this specific statute does not truly protect a servicemembers.

11. Has your agency received complaints about the public record exemption? If “yes,” please explain.

No. We occasionally hear verbal complaints, because once someone has made their information confidential within our office, we can no longer discuss any sort of property information with them electronically or over the phone. Further, other organizations or departments (such as the building department) cannot look up the tax payer’s information electronically. So if the taxpayer is trying to pull a permit, or refinance their house, they physically have to come in with their driver’s license or ID to receive such information when usually those organizations can simply pull it from our website.

12. Please provide any additional comments regarding the public record exemption under review.

### **Public Record Exemption under Review**

#### **119.071(5)(k) General exemptions from inspection or copying of public records.—**

(k)1. For purposes of this paragraph, the term:

a. “Identification and location information” means the:

(I) Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember’s personal communication device.

(II) Home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse’s or dependent’s personal communication device.

(III) Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.

b. “Servicemember” means a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001.

2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if a servicemember submits to an agency that has custody of the identification and location information:

a. A written request to exempt the identification and location information from public disclosure; and

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3. This exemption applies to identification and location information held by an agency before, on, or after the effective date of this exemption.

4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

**History.**—s. 1, ch. 2015-86.

**The House Oversight, Transparency & Public Management Subcommittee  
The Senate Committee on Military and Veterans Affairs and Space  
July 2019**

**Open Government Sunset Review Questionnaire  
(Identification and location information of servicemembers)**

**PLEASE RETURN THIS QUESTIONNAIRE BY AUGUST 1, 2019, TO BOTH:**

**Frank X. Moehrle Jr.**  
**Attorney**  
**House Oversight, Transparency, and Public**  
**Management Subcommittee**  
**Frank.Moehrle@myfloridahouse.gov**  
**Phone: (850) 717-4890**

**Cindy M. Brown**  
**Senior Attorney**  
**Senate Committee on Military and**  
**Veterans Affairs and Space**  
**Brown.Cindy@flsenate.gov**  
**Phone: (850) 487-5785**

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In 2015, the Legislature created a public record exemption in section 119.071(5)(k), Florida Statutes, for the identification and location information of current or former active duty service members of the Armed Forces, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001. The public record exemption protects from disclosure the identification and location information of the service member, his or her spouse, and his or her dependents if the service member makes a written request and includes a statement that the service member has made reasonable efforts to protect the information from being publicly accessed through other means.

This public record exemption stands repealed on October 2, 2020, unless reviewed and reenacted by the Legislature under the Open Government Sunset Review Act (section 119.15, Florida Statutes).

To assist professional committee staff as part of their review of this public record exemption, please answer the following questions. A copy of section 119.071(5)(k), Florida Statutes, is attached for your convenience.

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**Name of agency:** Alachua County Property Appraiser

**Name of person completing the questionnaire:** Ed Crapo

**Title of person completing the questionnaire:** Property Appraiser

**Telephone number of person completing the questionnaire:** 352) 374-5230

**E-mail address of person completing the questionnaire:** [ecrapo@acpafl.org](mailto:ecrapo@acpafl.org)

**Date that this questionnaire was completed:** 7/25/19

## Public Record Exemption under Review

Section 119.071(5)(k), Florida Statutes, provides a public record exemption for certain identification and location information of current or former active duty servicemembers of the United States Armed Forces who served after September 11, 2001, and for certain identification and location information for their spouses and dependents. Such identification and location information includes the:

- Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember's personal communication device;
- Home address, telephone number, date of birth, and place of employment of the spouse or dependent of such servicemember, and the telephone number associated with such spouse's or dependent's personal communication device; and
- Name and location of the school attended by the spouse, or the school or day care facility attended by the dependent of such servicemember.

The public record exemption protects from disclosure the identification and location information of the servicemember, his or her spouse, and his or her dependents if the servicemember makes a written request and includes a statement that the servicemember has made reasonable efforts to protect the information from being publicly accessed through other means.

1. Generally, for what purpose does your agency collect or maintain identification and location information (names, addresses, phone numbers)? Please explain the reasons for maintaining such information (for example, for licensing). **To produce a tax roll.**
2. Does your agency have a process for a current or former servicemember to request that his or her identification and location information or that of a family member be protected from public records? If "yes," please describe the process. For example, is there a form that the servicemember must complete or does the agency alert the servicemember that he or she may request such protection? **Yes, a form is provided if a request is made.**
3. Has your agency had instances in which a current or former servicemember has submitted a written request to protect from public records his or her own identification and location information or that of a family member? If "yes": **Currently, no request has been received.**
  - a. Did the servicemember include a written statement that he or she has made reasonable efforts to protect the information from otherwise being accessed by the public? **It would be provided.**
  - b. Did your agency ask when the servicemember served? **It would be relevant.**
  - c. Approximately how many requests has your agency received each year beginning in 2015? **None.**

- d. Has your agency ever denied such a request (for example, for not being in writing or for not including a statement that reasonable efforts have been made to protect such information)? Please explain. **No denials.**
4. What does your agency consider “reasonable efforts” to protect the information from being accessed by the public? **A written statement demonstrating what measures have been taken.**
5. Has your agency received a public record request for the exempt identification and location information? **No.**
- a. If “yes,” please describe the types of entities requesting such information, if available, and how many requests were received each year since July 1, 2015.
- b. If “yes,” was the information released? Please explain.
6. That you know of, has your agency had any difficulties interpreting or applying the public record exemption for identification and location information of current or former active duty servicemembers and their spouses and dependents? Please explain. **No. We have none specific to s.119.071(5)(k).**
7. Does any other state or federal law protect the identification and location information of current or former active duty servicemembers and their spouses and dependents? If “yes”: **I am unaware of any applicable to this agency and these specifics.**
- c. Please provide the specific state or federal citation for each exemption and specify the types of information each state or federal law protects.
- d. Please explain which exemption the agency relies upon when responding to a public record request that would include the identification and location information of current or former active duty servicemembers. **s.119.071(5)(k) Florida Statutes.**
- e. Can the public record exemption for identification and location information of current or former active duty servicemembers be repealed or merged with the other exemption(s)? Please explain. **No.**
8. Has the public record exemption under review ever been the subject of litigation? If “yes,” please explain and provide the appropriate case citations. **No.**
9. Which of the following actions does your agency recommend the Legislature take (Please select one):
- ☒ Repeal the public records exemption.
- ☐ Reenact the public records exemption as is.
- ☐ Reenact the public records exemption with changes.

10. Please provide a brief explanation of your recommendation in question 9.  
**The concept, first enacted for law enforcement decades ago, has been eclipsed by the continued advancement of available technology. Also, we have never received an application for this exemption.**
11. Has your agency received complaints about the public record exemption? If “yes,” please explain. **Not regarding this.**
12. Please provide any additional comments regarding the public record exemption under review.

### **Public Record Exemption under Review**

#### **119.071(5)(k) General exemptions from inspection or copying of public records.—**

(k)1. For purposes of this paragraph, the term:

a. “Identification and location information” means the:

(I) Home address, telephone number, and date of birth of a servicemember, and the telephone number associated with a servicemember’s personal communication device.

(II) Home address, telephone number, date of birth, and place of employment of the spouse or dependent of a servicemember, and the telephone number associated with such spouse’s or dependent’s personal communication device.

(III) Name and location of a school attended by the spouse of a servicemember or a school or day care facility attended by a dependent of a servicemember.

b. “Servicemember” means a current or former member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, or the National Guard, who served after September 11, 2001.

2. Identification and location information held by an agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if a servicemember submits to an agency that has custody of the identification and location information:

a. A written request to exempt the identification and location information from public disclosure; and

b. A written statement that he or she has made reasonable efforts to protect the identification and location information from being accessible through other means available to the public.

3. This exemption applies to identification and location information held by an agency before, on, or after the effective date of this exemption.

4. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

**History.**—s. 1, ch. 2015-86.



**U.S. Department of Justice  
Federal Bureau of Investigation**

In Reply, Please Refer to  
File No.

6061 Gate Parkway  
Jacksonville, Florida 32256  
(904) 248-7000  
October 11, 2019

Florida Senate  
Senate Committee on Military and Veterans Affairs and Space  
404 S. Monroe Street,  
Tallahassee, Florida 32301  
Attention: Senior Attorney Cindy Brown

Re: Update on Department of Justice Press Release 16-1085 regarding Ardit Ferizi

Dear Sir or Madam:

On September 23, 2016, the Department of Justice provided information in Press Release 16-1085 which included the following information:

- Ardit Ferizi, aka Th3Dir3ctorY, 20, a citizen of Kosovo, was sentenced today to 20 years in prison for providing material support to the Islamic State of Iraq and the Levant (ISIL), a designated foreign terrorist organization, and accessing a protected computer without authorization and obtaining information in order to provide material support to ISIL.
- Ferizi pleaded guilty on June 15. According to court documents, Ferizi admitted that on or about June 13, 2015, he gained system administrator-level access to a server that hosted the website of a U.S. victim company. The website contained databases with personally identifiable information (PII) belonging to tens of thousands of the victim company's customers, including members of the military and other government personnel. Ferizi subsequently culled the PII belonging to U.S. military members and other government personnel, which totaled approximately 1,300 individuals. That same day, on June 13, Ferizi provided the PII belonging to the 1,300 U.S. military members and government personnel to Junaid Hussain, a now-deceased ISIL recruiter and attack

facilitator. Ferizi and Hussain discussed publishing the PII of those 1,300 victims in a hit list.

- According to court documents, on Aug. 11, 2015, in the name of the Islamic State Hacking Division (ISHD), Hussain posted a tweet that contained a document with the PII of the approximately 1,300 U.S. military and other government personnel that Ferizi had taken from the victim company and provided to Hussain. The document stated, in part, that “we are in your emails and computer systems, watching and recording your every move, we have your names and addresses, we are in your emails and social media accounts, we are extracting confidential data and passing on your personal information to the soldiers of the khilafah, who soon with the permission of Allah will strike at your necks in your own lands!” Ferizi admitted that he provided the PII to ISIL with the understanding that ISIL would use the PII to “hit them hard.”

In February of 2019, the FBI Jacksonville Field Office identified 12 new web pages that were hosting the ISIL hit list with all or some of the PII of the approximately 1,300 victims. The FBI requested the removal of the web pages that were displaying the ISIL hit lists and verified that they were taken down. The FBI also sent victim notifications in regards to identifying the 12 new web pages hosting the ISIL hit lists in 2019. Attached to this communication are three examples of the ISIL hit lists targeting U.S. military members and other government personnel that were identified and removed in February of 2019. The three enclosed examples were redacted by the FBI.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachel R.", with a stylized flourish at the end.

Rachel L. Rojas  
Special Agent in Charge



قال تعالى

" واقتلوهم حيث ثقتموهم "



US Air Force	Stockton
US Air Force	AE
US Air Force	USAF Academy
US Air Force	APG
US Air Force	Peara
US Air Force	Las Vegas
US Air Force	Tucson
US Air Force	APG
US Air Force	La Puente
US Air Force	EYNDALL AFB.
US Air Force	destin
US Air Force	Patrick AFB
US Air Force	APG
US Air Force	AE
US Air Force	Moore
US Air Force	AE
US Air Force	APG
US Air Force	APG
US Air Force	APG
US Air Force	APG
US Air Force	Jackson
US Air Force	North Hillenau
US Air Force	APG
US Air Force	AE

Downloaded from: [REDACTED]

US ARMY HACKED BY #UCC  
UNITED CYBER CALIPHATE  
#KILL\_DOGS

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الجيش الامريكي ) (

تم الاختراق بواسطة اتحاد قراصنة الخلافة

#اقتلوا الصليبيين

#التأر للمسلمين



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بسم الله الرحمن الرحيم::

## Cyber Kahilafah

### [+] الآن الآن جاء القتال

هذه قائمة مخصصة للذئاب المنفرده لا تدعوهم ينامون الليل حولو  
[+] لي لهم نهارا و دمانهم انهارا

[+] Target: United States Government And Military - The  
Head of The Crusader Coalition

[+] Hack: U.S Military And Government Emails,  
Passwords, Names, Phone Numbers and Location  
Information Leaked

Peace Be Upon The One Who Follows True Guidance

O Crusaders, as you continue your aggression towards the Islamic State and your bombing campaign against the Muslims, know that we are in your emails and computer systems, watching and recording your every move, we have your names and addresses, we are in your emails and social media accounts, we are extracting confidential data and passing on your personal information to the soldiers of the Khilafah, who soon with the permission of Allah will strike at your necks in your own lands! "So wait, we too are waiting"

- Islamic State Hacking Division

Full Name / First Name	LAST Name	Department / Division	E-Mail	Password	City / State	Zip Code	Phone /
		110th Military Police Company - US Army 1-63 cab - US Army 300th MHC - US Army 200TH ASB S-4 - US Army 212 SCG 39 CBA/CECMAR 4th Infantry Division - US Army 5th Signal Cmbd - US Army 613 AOC/CCO 61st Medical Group/SGT 731 AMS 800 group acv Adalat Turkey AFOSI Region 5 African Development Foundation African Development Foundation African Development Foundation AfrCom AfrCom AfrCom AfrCom American Consulate General Shanghai American Consulate General Shanghai					

**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.)

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

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BILL: SB 294

INTRODUCER: Senators Wright and Baxley

SUBJECT: Crimes Against Veterans

DATE: November 12, 2019      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	<b>Favorable</b>
2.			CJ	
3.			RC	

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## **I. Summary:**

SB 294 creates the Florida Veterans Protection Act.

This bill adds an act in which a person commits a white collar crime against 10 or more veterans as an aggravated white collar crime to the White Collar Crime Victim Protection Act. A person who engages in the crime added in the bill commits a first degree felony, and the crime is ranked within the offense severity ranking chart at offense severity level 9 for purposes of sentencing incarceration time. In addition to penalties for the commission of a first degree felony, a person who commits an aggravated white collar crime may be required to pay up to the greater of a \$500,000 fine or double the value of the pecuniary gain or loss, court costs, and restitution for each victim.

The Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have a positive insignificant prison bed impact.

The bill takes effect October 1, 2020.

## **II. Present Situation:**

### **Veterans and Fraud**

Nationally, Florida ranks first in fraud and fourth in identity theft.<sup>1</sup> Although veterans are less than 10 percent of the population in the United States, they represent one-third of the victims of

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<sup>1</sup> In the state, the fraud rate is reported as perpetrated against 205 persons per every 100,000 persons. FTC Consumer Sentinel Network, Federal Trade Commission, *All Sentinel Reports, 2019 - 3rd Quarter*. Available at: <https://public.tableau.com/profile/federal.trade.commission#!/vizhome/TheBigViewAllSentinelReports/StatebyState> (last visited Nov. 7, 2019).

investment fraud.<sup>2</sup> Data provided from the Federal Trade Commission's Consumer Sentinel program, the largest repository of fraud complaints in the nation, reveals an increase by 63 percent of complaints filed by military veterans over the past five years.<sup>3</sup>

In a 2017 survey conducted by the American Association of Retired Persons (AARP), researchers reported that of those surveyed, during the five years prior, twice as many veterans as non-veterans lost money to fraudulent scams (16 percent veterans to 8 percent non-veterans).<sup>4</sup> And of those veterans who reported being contacted about a fraudulent scam, 78 percent report that the scam involved taking advantage of their status as a veteran.<sup>5</sup>

### **White Collar Crime Victims Protection Act**

The White Collar Crime Victims Protection Act provides as an enhanced designation from a white collar crime to an aggravated white collar crime, a white collar crime in which a person obtains or attempts to obtain \$50,000 or more from:

- 10 or more elderly persons;
- 20 or more persons; or
- The state, a state agency, a political subdivision of the state, or an agency of a political subdivision of the state.<sup>6</sup>

The term "white collar crime" as used in the Act is:

- The commission of, or a conspiracy to commit, a felony offense included in various chapter laws related to fraud, theft, financial crime, abuse, and neglect;<sup>7</sup>
- A felony offense that is committed with intent to defraud or that involves a conspiracy to defraud;
- A felony offense committed with intent to temporarily or permanently deprive a person of property or a conspiracy to do so; or
- A felony offense involving or resulting in the commission of fraud or deceit on a person or a conspiracy to do so.<sup>8</sup>

An aggravated white collar crime is punishable as a first degree felony, which carries up to 5 years in prison and up to a \$5,000 fine, and is ranked within the offense severity ranking chart at

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<sup>2</sup> AARP Washington State, *Under Fire: Military Veterans and Consumer Fraud in the United States* (Nov. 2017) Available at [https://www.aarp.org/content/dam/aarp/research/surveys\\_statistics/econ/2017/military-veterans-consumer-fraud.doi.10.26419%252Fres.00182.001.pdf](https://www.aarp.org/content/dam/aarp/research/surveys_statistics/econ/2017/military-veterans-consumer-fraud.doi.10.26419%252Fres.00182.001.pdf).

<sup>33</sup> *Id.* at 2.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> "Examples include improving your VA loan, taking advantage of a little-known government program[s] for vets or paying for a back, knee, or arm brace because of one's military service." *Id.* at 3.

<sup>6</sup> Section 775.0844(5), F.S.

<sup>7</sup> Chapter laws referenced in the Act are Chapter 560 (Money Transmitters' Code); 812 (theft, robbery, and related crimes); 815 (computer-related crimes); 817 (fraudulent practices); 825 (abuse, neglect, and exploitation of elderly persons and disabled adults); 831 (forgery and counterfeiting); 832 (issuance of worthless checks and drafts); 838 (bribery and misuse of public office); 839 (offenses by public officers and employees); 895 (offenses concerning racketeering and illegal debts); and 896 (offenses related to financial transactions). Crimes listed in these chapter laws are classified at various levels based on the offense, ranging from first degree misdemeanors to first degree felonies.

<sup>8</sup> Section 775.0844(3), F.S.

offense severity level 9.<sup>9</sup> A person convicted of an aggravated white collar crime may be required to pay an additional fine of up to the greater of a \$500,000 fine or double the value of the pecuniary gain or loss<sup>10</sup>; all court costs; and restitution to each victim, payable as a condition of probation.<sup>11</sup>

### **Criminal Penalties and Scoring of Offenses**

Criminal offenses are classified and sentenced as follows:

- A first degree misdemeanor is punishable by up to 1 year in jail and a \$1,000 fine.<sup>12</sup>
- A third degree felony is punishable by up to 5 years in prison and a \$5,000 fine.<sup>13</sup>
- A second degree felony is punishable by up to 15 years in prison and a \$10,000 fine.<sup>14</sup>
- A first degree felony is punishable by up to 30 years in prison and a \$10,000 fine.<sup>15</sup>

Scoresheets are used in criminal sentencing by a court to determine a period of incarceration for a defendant convicted of a felony other than for a capital felony. Points are added to the scoresheet based on a variety of factors, such as the level of victim injury, prior record of the defendant, and the offense level, as determined by placement of the offense on the offense severity ranking chart, set out in statute.<sup>16</sup> The court must incorporate the chart ranking with the scoresheet in computing sentencing scores.<sup>17</sup> The chart ranks offenses from level one to level ten, with level ten reserved for the most serious offenses.<sup>18</sup>

### **Statutory Definitions**

A veteran as defined in s. 1.01, F.S., as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later was upgraded to a discharge under honorable conditions, regardless of a designation by the United States Department of Veterans Affairs as an other than honorable discharge or release.<sup>19</sup>

A person is defined in s. 1.01, F.S., as individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.<sup>20</sup>

## **III. Effect of Proposed Changes:**

This bill adds an act in which a person commits a white collar crime against 10 or more veterans as an aggravated white collar crime to the White Collar Crime Victim Protection Act. A person

<sup>9</sup> Section 775.0844(5), F.S.

<sup>10</sup> Section 775.0844(7), F.S.

<sup>11</sup> Section 775.0844(8), F.S.

<sup>12</sup> Section 775.082(4)(b), F.S.; s. 775.083(1)(d), F.S.

<sup>13</sup> Section 775.082(3)(e), F.S.; s. 775.083(1)(c), F.S.

<sup>14</sup> Section 775.082(3)(d), F.S.; s. 775.083(1)(b), F.S.

<sup>15</sup> Section 775.082(3)(b)1., F.S.; s. 775.0831)(b), F.S.

<sup>16</sup> Section 921.0022, F.S., provides the Offense Severity Ranking Chart.

<sup>17</sup> Section 921.0022(1), F.S.

<sup>18</sup> Section 921.0922(2), F.S.

<sup>19</sup> Section 1.01(14), F.S.

<sup>20</sup> Section 1.01(3), F.S.

who engages in the crime added in the bill commits a first degree felony, and the crime is ranked within the offense severity ranking chart at offense severity level 9.

A person who commits an aggravated white collar crime against 10 or more veterans commits and is subject to the penalties authorized for a first degree felony, which is up to 5 years imprisonment and a \$5,000 fine. The person may also be required to pay a fine of up to the greater of a \$500,000 fine or double the value of the pecuniary gain or loss, court costs, and restitution for each victim, as is authorized in the White Collar Crime Victim Protection Act.

The term “veteran” is defined pursuant to the term “veteran” in s. 1.01, F.S.

The act is known as the Florida Veterans Protection Act.

The bill takes effect October 1, 2020.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

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

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

To the extent that this bill acts as a deterrent, fewer veterans may experience fraud and other forms of financial loss.

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a positive insignificant prison bed impact, meaning an increase of 10 or fewer prison beds.<sup>21</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 775.0844 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>21</sup> According to the Department of Corrections, in FY 18-19, the court sentenced two offenders to prison for violating s. 775.0844, F.S. Given the low level of offenders, this expansion should not have a significant impact on prison beds. *SB 294 - Crimes Against Veterans (Identical HB 167)*, Economic and Demographic Research (Oct. 23, 2019)(on file with the Senate Committee on Military and Veterans Affairs and Space).



By Senator Wright

14-00381-20

2020294\_\_

1 A bill to be entitled  
 2 An act relating to crimes against veterans; providing  
 3 a short title; amending s. 775.0844, F.S.; providing  
 4 an enhanced sentence for any person who commits  
 5 aggravated white collar crimes against a certain  
 6 number of veterans by obtaining or attempting to  
 7 obtain a specified amount of money; providing criminal  
 8 penalties; providing an effective date.  
 9  
 10 Be It Enacted by the Legislature of the State of Florida:  
 11  
 12 Section 1. This act may be cited as the "Florida Veterans  
 13 Protection Act."  
 14 Section 2. Subsection (5) of section 775.0844, Florida  
 15 Statutes, is amended, and subsections (4) and (6) of that  
 16 section are republished, to read:  
 17 775.0844 White Collar Crime Victim Protection Act.—  
 18 (4) As used in this section, "aggravated white collar  
 19 crime" means engaging in at least two white collar crimes that  
 20 have the same or similar intents, results, accomplices, victims,  
 21 or methods of commission, or that are otherwise interrelated by  
 22 distinguishing characteristics and are not isolated incidents,  
 23 provided that at least one of such crimes occurred after the  
 24 effective date of this act.  
 25 (5) Any person who commits an aggravated white collar crime  
 26 as defined in this section and in so doing either:  
 27 (a) Victimizes 10 or more elderly persons, as defined in s.  
 28 825.101;  
 29 (b) Victimizes 10 or more veterans, as defined in s. 1.01;

Page 1 of 2

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

14-00381-20

2020294\_\_

30 (c) ~~(b)~~ Victimizes 20 or more persons, as defined in s.  
 31 1.01; or  
 32 (d) ~~(e)~~ Victimizes the State of Florida, any state agency,  
 33 any of the state's political subdivisions, or any agency of the  
 34 state's political subdivisions,  
 35  
 36 and thereby obtains or attempts to obtain \$50,000 or more,  
 37 commits a felony of the first degree, punishable as provided in  
 38 s. 775.082, s. 775.083, or s. 775.084.  
 39 (6) Notwithstanding any other provision of chapter 921 or  
 40 any other law, an aggravated white collar crime shall be ranked  
 41 within the offense severity ranking chart at offense severity  
 42 level 9.  
 43 Section 3. This act shall take effect October 1, 2020.

Page 2 of 2

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

Nov 13, 2019

*Meeting Date*

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

294

*Bill Number (if applicable)*

Topic CRIMES VS VETERANS

*Amendment Barcode (if applicable)*

Name DAN HENDRICKSON

Job Title PRESIDENT, TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Address 319 E PARK AVE

*Street*

TALLAHASSEE

*City*

FL

*State*

32301

*Zip*

Phone 850 570 1967

Email danbhendrickson@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

11/13

Meeting Date

SB 294

Bill Number (if applicable)

Topic Crimes Against Veterans

Amendment Barcode (if applicable)

Name Meredith Brock Stanfield

Job Title Director of Legislative & Cabinet Affairs

Address PL 17, The Capitol

Phone (850) 413-2890

Street

Tallahassee

FL

32399

City

State

Zip

Email Meredith.Stanfield@

myfloridacfo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Department of Financial Services

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)

# APPEARANCE RECORD

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

11/13/2019

Meeting Date

294

Bill Number (if applicable)

Topic Crimes Against Veterans

Alex / mark

Amendment Barcode (if applicable)

Name Danny Burgess

Job Title Executive Director

Address 400 S. Monroe Street, Ste. 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email sithea@fdva.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Department of Veterans' Affairs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

11/13/2019  
Meeting Date

294  
Bill Number (if applicable)

Topic Crimes Against Veterans

Amendment Barcode (if applicable)

Name Allison Sittc ("city")

Job Title Legislative Affairs Director

Address 400 S Monroe Street, C. 2105 Phone 850-487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email asittca@fdva.state.fl.us

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Dept of Veterans Affairs

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)

8/13  
Meeting Date

294  
Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name B. J. Helmich

Job Title \_\_\_\_\_

Address 120 S. Monroe St.  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850 251 3120

Email \_\_\_\_\_

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.

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S-001 (10/14/14)

## **SB 294 – Crimes Against Veterans (Identical HB 167)**

This bill amends s. 775.0844, F.S., adding “victimizes 10 or more veterans, as defined in s. 101, F.S.” to the current Level 9, 1<sup>st</sup> degree felony for aggravated white collar crime, which is defined as “engaging in at least two white collar crimes that have the same or similar intents, results, accomplices, victims, or methods of commission, or that are otherwise interrelated by distinguishing characteristics and are not isolated incidents, provided that at least one of such crimes occurred after the effective date of this act.” Current victims include 10 or more elderly persons, 20 or more persons, the State of Florida, any state agency, any of the state’s political subdivisions, or any agency of the state’s political subdivisions, with the offender having to obtain or attempt to obtain \$50,000 or more.

Per DOC, in FY 18-19, there were 2 offenders admitted to prison for a violation of s. 775.0844, F.S. (mean sentence length=114.5 m). Although sentencing data is not available for FY 18-19, FY 17-18 data indicated that 100% of offenders were sentenced to prison for this offense. However, given the low numbers of offenders, this expansion of the statute should not have a significant effect on prison beds.

**EDR PROPOSED ESTIMATE: Positive Insignificant**

**Requested by: Senate**

**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.)

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

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BILL: SB 372

INTRODUCER: Senator Lee

SUBJECT: Postsecondary Education for Certain Military Personnel

DATE: November 12, 2019      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	<b>Favorable</b>
2.			ED	
3.			AP	

---

**I. Summary:**

SB 372 adds military experience to the list of qualifying bases for which servicemembers and veterans may earn postsecondary course credit from a public postsecondary educational institution. The bill requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE), in consultation with the Florida Department of Veterans' Affairs (FDVA) to adopt regulations and rules, respectively, which create a uniform system for the awarding of postsecondary credit based on military experience, training, and education.

The Articulation Coordinating Committee (Committee) of the Florida Department of Education will convene a 13-member workgroup consisting of the chair of the committee (to serve as chair), administrators and faculty from state universities and Florida College System institutions, faculty from career centers, and veterans. The workgroup will develop a uniform process for determining when military experience and credentials are appropriate for postsecondary credit. The Committee will then approve a list of postsecondary course equivalencies, including minimum credit, based on military experience and credentials. To determine equivalencies and credit, the workgroup will consult the American Council on Education Military Guide for courses and occupations listed since January 1, 2000. The list is subject to approval by the BOG and the SBE.

The bill additionally provides active duty servicemembers and honorably discharged veterans, and their spouses and dependents, a fee waiver on a transcript from a state university, Florida College System institution, career center operated by a school district<sup>1</sup>, or a charter technical

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<sup>1</sup> The term "career center" refers to an educational institution under the control of the district school board which offers terminal courses of a technical nature, and courses for out-of-school youth and adults, pursuant to s. 1001.44(3)(a), F.S.



career center<sup>2</sup>. Each of these institutions must annually report to the BOG and the SBE the number and value of transcript fee waivers granted.

Fiscal impact is unknown.

While the bill takes effect July 1, 2020, the Committee must approve the list by September 1, 2021, subject to adoption by the BOG and the SBE by December 1, 2021. As of January 1, 2022, academic institutions and career centers must award postsecondary credit for approved courses and occupations.

## **II. Present Situation:**

Florida provides a number of educational benefits specifically to servicemembers and veterans.

### **Academic College Credit for Training and Education Acquired in the Military**

Florida law requires the Board of Governors of the State University System (BOG) and the State Board of Education (SBE) to enable, through regulation and rule, eligible servicemembers and veterans to earn academic college credit at public postsecondary educational institutions based on college-level training and education acquired in the military.<sup>3</sup>

In adopting regulations and rules, the BOG and the SBE must include procedures to evaluate credentials and the award of academic college credit, including providing for the:

- Equivalency and alignment of military coursework with appropriate college courses;
- Course descriptions;
- Type and amount of college credit that may be awarded; and
- Transfer of credit.<sup>4</sup>

### **Tuition and Fee Waivers**

Florida law provides tuition and fee waivers to students, in certain circumstances, including veterans and active duty members of the U.S. Armed Forces (USAF) who meet specified criteria.<sup>5</sup> Some waivers are mandatory,<sup>6</sup> while others are permissive.<sup>7</sup>

The following fee waivers apply to current or former members of the USAF or U.S. Reserve Forces:

- A person who resides in-state while enrolled in the program who is an honorably discharged veteran of the USAF, the United States Reserve Forces, or the National Guard; or who uses

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<sup>2</sup> The term “charter technical career center” refers to a public school or a public technical center operated under a charter granted by the district school board or Florida College System (FCS) institution board of trustees or a consortium, including one or more district school boards and FCS institution boards of trustees, that include the school district in which the facility is located, that is nonsectarian, and that is managed by a board of directors, pursuant to s. 1002.34(3)(a), F.S.

<sup>3</sup> Section 1004.096, F.S.; *see also* Board of Governors, Regulation 6.013 and Rule 6A-14.0302, F.A.C.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1009.26, F.S.

<sup>6</sup> Section 1009.26 (5), (7)-(8), (12)-(14), F.S.

<sup>7</sup> Section 1009.26 (1)-(4), (6), (9)-(11), and (15), F.S.

the educational assistance provided by the United States Department of Veterans Affairs (VA) is eligible for, and must receive an out-of-state fee waiver from a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center.<sup>8</sup>

- An active duty member of the USAF residing or stationed out-of-state is eligible for, and must receive an out-of-state fee waiver from a state university, Florida College System institution, career center operated by a school district, or charter technical career center.<sup>9</sup>
- An active duty member of the USAF using military tuition assistance provided by the United States Department of Defense is eligible for, and may receive a waiver of any portion of the student activity and service, fee, the financial aid fee, the technology fee, the capital improvement fee, and any other fees otherwise authorized in law from a Florida College System institution.<sup>10</sup>
- A recipient of a Purple Heart or another combat decoration superior in precedence who is currently or was at the time of the military action a resident of the state is eligible for, and must receive a tuition waiver for an undergraduate or career certificate program from a state university, a Florida College System institution, a career center operated by a school district or a charter technical career center.<sup>11</sup>

### **Articulation Coordinating Committee (Committee)**

The Commissioner of Education, in consult with the Chancellor of the State University System, establishes the Articulation Coordinating Committee, whose primary role is to recommend statewide articulation policies.<sup>12</sup> Specifically, the Committee must monitor the alignment between the exit requirements of one education system and admission requirements of another education system into which students typically transfer. The Committee also proposes guidelines for interinstitutional agreements between institutions, including universities, career, and technical centers, and recommends to the BOG and the SBE dual enrollment courses for approval.<sup>13</sup> The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the Committee.<sup>14</sup>

### **The American Council on Education's Military Guide**

In 1945, the American Council on Education (ACE) established the Commission on Accreditation of Service Experiences, renamed the Commission on Educational Credit and Credentials in 1979, to evaluate military educational programs and aid institutions in determining and granting credit for them. Credit recommendations and detailed summaries for formal courses and occupations offered by branches of the military are published in the ACE Military Guide. All recommendations are based on ACE reviews conducted by college and university faculty members who are actively teaching in the areas they review. Courses and occupations are evaluated for college credit based on appropriate content, scope, and rigor. New courses and

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<sup>8</sup> Section 1009.26(13)(a), F.S.

<sup>9</sup> Section 1009.26(14)(a), F.S.

<sup>10</sup> Section 1009.26(15), F.S.

<sup>11</sup> Section 1009.26(8), F.S.

<sup>12</sup> Section 1007.01(3), F.S.

<sup>13</sup> Section 1007.01(3)(a) and (b), F.S.

<sup>14</sup> Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

occupations are continually considered and added to the Military Guide on a rolling basis. ACE only reviews courses and occupations selected by the military services.<sup>15</sup>

### **III. Effect of Proposed Changes:**

#### **Academic College Credit for Training and Education Acquired in the Military**

SB 372 adds military experience to the list of qualifying bases (currently consisting of college-level training and education acquired in the military) for which servicemembers and veterans may earn academic college credit from a public postsecondary educational institution. The bill requires the Board of Governors of the State University System (BOG) and the State Board of Education (SBE), in consultation with the Department of Veterans' Affairs (FDVA) to adopt regulations and rules, respectively, to create a uniform system for the awarding of postsecondary credit based on military experience, training, and education.

The bill requires the Articulation Coordinating Committee (Committee) to convene a workgroup by July 15, 2020, to establish a list of course equivalencies and the minimum postsecondary credit that must be awarded for submission to the Committee for approval. To determine equivalencies and credit, the workgroup will consult the American Council on Education Military Guide for courses and occupations listed since January 1, 2000.

The workgroup will consist of the following 13 members:

- The chair of the Committee, serving as chair;
- Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors (BOG);
- Four members representing academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education;
- Two members representing faculty from career centers, appointed by the chair of the State Board of Education; and
- Two members representing veterans, appointed by the executive director of the FDVA.

The Office of K-20 Articulation will provide administrative support for the workgroup.

The Committee must review the list for approval by September 1, 2021. The approved list will then be adopted in regulation by the BOG and rule by the SBE by December 1, 2021. As of January 1, 2022, state universities, Florida College System institutions, and career centers must award credit for approved courses and occupations included in the list, if the credit is part of the student's degree or certificate. Credit awarded on these bases is guaranteed to transfer to other institutions as if the credit were earned at the receiving institution.

Requiring the BOG and the SBE to adopt a uniform system could lend greater consistency to the process of awarding academic credit based on military experience or occupations.

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<sup>15</sup> American Council on Education, Guide to the Evaluation of Educational Experiences in the Armed Forces, <https://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> (last visited Oct. 24, 2019).

**Fee Waivers**

The bill provides active duty servicemembers and honorably discharged veterans, and their spouses and dependents a fee waiver on a transcript from a state university, FCS institution, career center operated by a school district, or a charter technical career center. Each of these institutions must annually report to the BOG and the SBE the number and value of transcript fee waivers granted. The BOG and the SBE are required to adopt regulations and rules, respectively, to provide for this transfer fee.

The bill takes effect July 1, 2020.

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

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

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

Qualifying servicemembers and veterans may save money by receiving postsecondary credit for military experience and through the transcript fee waiver, which will also apply to spouses and dependents.

**C. Government Sector Impact:**

The Board of Governors (BOG) and the State Board of Education (SBE) may incur fiscal costs from the bill, based on the provisions that require the BOG and the SBE to amend or adopt new regulations and rules, and that require a workgroup to convene and draft recommendations.

Additionally, institutions will lose revenue from the loss in tuition, and will have to waive the transcript fee for active duty servicemembers and honorably discharged veterans, and their spouses and dependents, and annually report the number of waivers to the BOG and the SBE. Based on data provided by the Board of Governors of the State University System, a total of approximately 8,000 veterans or active duty members enrolled from 2017-18 would generate between \$48,000 to \$80,000 in transcript fees.<sup>16</sup>

Total fiscal impact from these requirements is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The Board of Governors of the State University System provided the following comments:

- Subsection 1009.286(4), F.S., may need to be amended to clarify whether any credit earned through this new evaluation of military training and occupations is exempted from the credit hours included in the calculation used for determining excess hours fee requirements;
- Increasing the number of credit hours attempted for these students will directly impact their eligibility for all federal financial aid and the Florida Student Assistant Grant due to the limits on the number of credit hours for which financial aid is awarded;
- Current review of credit-by-examination course equivalencies are conducted by faculty from related disciplines. The workgroup specified in the bill appears to have not only the task of developing a process for determining processes for evaluation but also the actual review of the courses. However, the workgroup member will not have the necessary expertise to evaluate all of the American Council on Education (ACE) courses and occupations required by the bill;
- The timeline required in the bill, from July 15, 2020 to August 31, 2021, is insufficient to review the list<sup>17</sup> of military training occupations provided by ACE as outlined in the bill.<sup>18</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.096 and 1009.26.

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<sup>16</sup> Board of Governors of the State University System, *2020 Legislative Bill Analysis* (Nov. 4, 2019)(on file with the Senate Committee on Military and Veterans Affairs and Space).

<sup>17</sup> “The ACE associate director of military programs provided a list of unique courses reviewed in 2000-2019 to Board of Governors staff on October 11, 2019. The results showed the review of 5,237 courses during that timeframe.” *Id.*

<sup>18</sup> *Id.*

**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.

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

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By Senator Lee

20-00489A-20

2020372\_\_

1 A bill to be entitled  
 2 An act relating to postsecondary education for certain  
 3 military personnel; amending s. 1004.096, F.S.;  
 4 requiring the Board of Governors and State Board of  
 5 Education, in consultation with the Department of  
 6 Veterans' Affairs, to create a uniform process for the  
 7 awarding of postsecondary credit to certain  
 8 servicemembers and veterans of the United States Armed  
 9 Forces; requiring the Articulation Coordinating  
 10 Committee to convene a workgroup by a specified date;  
 11 providing membership and duties of the workgroup;  
 12 providing administrative support for the workgroup;  
 13 requiring the workgroup to submit to the Articulation  
 14 Coordinating Committee a list of recommended  
 15 postsecondary course equivalencies and the minimum  
 16 postsecondary credit that must be awarded if certain  
 17 specifications are met; requiring the Articulation  
 18 Coordinating Committee to review the list provided by  
 19 the workgroup for approval by a specified date;  
 20 requiring the Board of Governors and the State Board  
 21 of Education to adopt, in regulation and in rule,  
 22 respectively, the list approved by the Articulation  
 23 Coordinating Committee by a specified date; requiring  
 24 certain postsecondary institutions to award credit for  
 25 specified courses taken and occupations held by  
 26 individuals during military service beginning on a  
 27 specified date; authorizing the award of additional  
 28 credits; requiring that certain credits be  
 29 transferrable between specified postsecondary

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

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2020372\_\_

30 institutions; amending s. 1009.26, F.S.; requiring  
 31 postsecondary institutions to waive the transcript fee  
 32 for active duty members of the United States Armed  
 33 Forces, certain veterans, and their spouses and  
 34 dependents; providing reporting requirements for such  
 35 institutions; requiring the Board of Governors and the  
 36 State Board of Education to adopt regulations and  
 37 rules, respectively; providing an effective date.  
 38

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

40  
 41 Section 1. Section 1004.096, Florida Statutes, is amended  
 42 to read:

43 1004.096 College credit for military experience and  
 44 training and education courses.—

45 (1) In consultation with the Department of Veterans'  
 46 Affairs, the Board of Governors shall adopt regulations and the  
 47 State Board of Education shall adopt rules that create a uniform  
 48 process that enables ~~enable~~ eligible servicemembers or veterans  
 49 of the United States Armed Forces to earn postsecondary ~~academic~~  
 50 ~~college~~ credit at public postsecondary educational institutions  
 51 for experience and college-level training and education acquired  
 52 in the military. The regulations and rules shall include  
 53 procedures for credential evaluation and the award of  
 54 postsecondary ~~academic college~~ credit, including, but not  
 55 limited to, equivalency and alignment of military coursework  
 56 with appropriate postsecondary ~~college~~ courses, and course  
 57 descriptions, ~~type and amount of college credit that may be~~  
 58 ~~awarded, and transfer of credit.~~

Page 2 of 5

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(2) The Articulation Coordinating Committee shall convene a workgroup by July 15, 2020, to establish a process for developing a uniform process for determining postsecondary course equivalencies and the minimum postsecondary credit that must be awarded for courses taken and occupations held by individuals during their service in the military. For the purposes of determining course equivalencies and minimum postsecondary credit, the workgroup shall review the courses and occupations evaluated by the American Council on Education and listed on its Military Guide since January 1, 2000.

(a) The workgroup shall be composed of the following 13 members:

1. The chair of the Articulation Coordinating Committee, or his or her designee, who shall serve as chair.

2. Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the Board of Governors.

3. Four members representing academic affairs administrators and faculty from Florida College System institutions, appointed by the chair of the State Board of Education.

4. Two members representing faculty from career centers, appointed by the chair of the State Board of Education.

5. Two members representing veterans, appointed by the executive director of the Department of Veterans' Affairs.

(b) The Office of K-20 Articulation shall provide administrative support for the workgroup.

(c) The workgroup shall submit to the Articulation Coordinating Committee a recommended list of postsecondary

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course equivalencies and the minimum postsecondary credit that must be awarded for courses taken and occupations held by individuals during their service in the military.

(d) The Articulation Coordinating Committee shall review the list submitted under paragraph (c) for approval by September 1, 2021.

(e) By December 1, 2021, the Board of Governors in regulation and the State Board of Education in rule shall adopt the list approved by the Articulation Coordinating Committee.

(f) Beginning on January 1, 2022, state universities, Florida College System institutions, and career centers must award postsecondary credit for courses taken and occupations held by individuals during their service in the military pursuant to the list adopted under paragraph (c), if the credit is applicable toward the student's degree or certificate. Institutions may award additional postsecondary credit if appropriate. Credit awarded in accordance with minimum credit requirements is guaranteed to transfer to other state universities, Florida College System institutions, and career centers as if the credit were earned at the receiving institution.

Section 2. Subsection (17) is added to section 1009.26, Florida Statutes, to read:

1009.26 Fee waivers.—

(17) (a) A state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center shall waive the transcript fee for a person who is an active duty member or an honorably discharged veteran of the United States Armed Forces



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117 and his or her spouse and dependents.

118 (b) Each state university, Florida College System  
119 institution, career center operated by a school district under  
120 s. 1001.44, and charter technical career center shall report to  
121 the Board of Governors and the State Board of Education,  
122 respectively, the number and value of fee waivers granted  
123 annually under this subsection.

124 (c) The Board of Governors and the State Board of Education  
125 shall adopt regulations and rules, respectively, to administer  
126 this subsection.

127 Section 3. This act shall take effect July 1, 2020.

**THE FLORIDA SENATE**

**APPEARANCE RECORD**

Nov 13, 2019

*Meeting Date*

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

372

*Bill Number (if applicable)*

Topic EDUCATION FOR MILITARY PERSONNEL

*Amendment Barcode (if applicable)*

Name DAN HENDRICKSON

Job Title PRESIDENT, TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Address 319 E PARK AVE

*Street*

TALLAHASSEE

*City*

FL

*State*

32301

*Zip*

Phone 850 570 1967

Email danbhendrickson@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

11/13/19

Meeting Date

SB 372

Bill Number (if applicable)

Topic VETERAN POST SECONDARY EDUCATION

Amendment Barcode (if applicable)

Name MARK FETTERMAN

Job Title DIRECTOR

Address 5201 W KENNEDY BLVD

Street

Phone

TAMPA

City

FL

State

33609

Zip

Email MFETTERMAN@

UWSUNCOAST.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing UNITED WAY SUNCOAST MISSION UNITED

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)

11/13  
Meeting Date

372  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name B. J. Kolmich

Job Title \_\_\_\_\_

Address 120 S. W. 21st St  
Tallahassee FL 32301  
Street City State Zip

Phone 904 291 3126

Email \_\_\_\_\_

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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11-13-19  
Meeting Date

SB372  
Bill Number (if applicable)

Topic Veteran Education

Amendment Barcode (if applicable)

Name Stella Tokar

Job Title Public Policy Committee-United Way

Address 1313 Andrews Ave Phone \_\_\_\_\_  
Street

Ft. Lauderdale, FL 33031 Email \_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way Broward Co

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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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)

Nov 13 2019  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic SB 372

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Sybil Allison

Job Title Director, Mission United

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing United Way of Broward County

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)

## 2020 LEGISLATIVE BILL ANALYSIS

<b>Bill Number:</b> SB 372	<b>Bill Title:</b> Postsecondary Education for Certain Military Personnel
<b>Sponsor(s):</b> Sen. Lee	<b>Effective Date:</b> July 1, 2020
<b>Companion Bill Number:</b> HB 171	
<b>Companion Bill Sponsor(s):</b> Rep. Ponder	
<b>Policy Analyst(s):</b> Jeremy Hudak, Lynda Page	<b>Fiscal Analyst(s):</b> Dale Bradley

### EXECUTIVE SUMMARY

#### Section 1

Section 1 of SB 372 amends section 1004.096, Florida Statutes, by:

- Creating a uniform process through regulation and rule that facilitates eligible service members or veterans of the United States Armed Forces to earn postsecondary credit for experience and college-level training and education acquired in the military.
- Requiring the Articulation Coordinating Council (ACC) to convene a workgroup by July 15, 2020, to establish parameters for developing a uniform process for determining postsecondary course equivalencies and minimum postsecondary credit to be awarded for courses taken and occupations held by individuals during their time of service in the military. The workgroup is to consist of faculty representatives from state universities, Florida College System (FCS) institutions, and career centers, plus members representing military veterans.
- Requiring a review of the courses and occupations evaluated by the American Council on Education and listed on its Military Guide since January 1, 2000.
- Specifying that the ACC review the list from the workgroup for approval by September 1, 2021.
- Requiring the Board of Governors and State Board of Education to adopt the ACC approved list by December 1, 2021.
- Specifying that if applicable toward the student's degree or certificate, state universities, FCS institutions and career centers must begin awarding the specified postsecondary credit on January 1, 2022 and thereafter.
- Allowing postsecondary institutions to award additional postsecondary credit if appropriate while recognizing that credit awarded in accordance with minimum credit requirements is guaranteed to transfer to other state universities, FCS institutions, and career centers.

*Section 2*

Section 2 amends section 1009.26, Florida Statutes by:

- Adding subsection (17) for public postsecondary institutions to waive the transcript fee for an active duty member of the Armed Forces of the United States or an honorably discharged veteran of such and his or her spouse and dependents.
- Requiring the reporting of the number and value of fee waivers granted annually under this subsection.
- Requiring the Board of Governors and the State Board of Education to adopt regulations and rules, respectively, concerning the transcript fee waiver.

*Section 3*

Section 3 indicates that this bill is effective July 1, 2020.

***CURRENT SITUATION AND EFFECT OF PROPOSED CHANGES***

***CURRENT SITUATION***

Section 1004.096, Florida Statutes, requires the Board of Governors and the State Board of Education to adopt regulations and rules, respectively, enabling eligible servicemembers and veterans of the United States Armed Forces to earn academic college credit for college-level training and education acquired in the military.

Board of Governors Regulation 6.013, Military Veterans and Active Duty, requires each State University System (SUS) institution board of trustees to adopt a regulation establishing a policy and process to enable eligible students to earn such credit for college-level training and education acquired in the military. The SUS institution policy and process already includes the granting of college credit for military or coursework that is recognized by the American Council of Education (ACE) subject to regular institution practices or limitations on amount, level, etc. of transfer credit. Additionally, the ACE Guide to the Evaluation of Educational Experiences in the Armed Services is currently utilized by SUS institutions to determine equivalencies and alignment with appropriate university courses. <https://www.flbog.edu/wp-content/uploads/FINAL-6.013-Military-Veterans-and-Active-Duty.pdf>

State Board of Education Rule 6A-150302, Florida Administrative Code, also requires each Florida College System (FCS) institution board of trustees to adopt a policy enabling students who are or were eligible members of the United States Armed Forces to earn appropriate credit for prior learning through military training, experience, and coursework.

<https://www.flrules.org/gateway/RuleNo.asp?title=COMMUNITY%20COLLEGES&ID=6A-14.0302>



The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) requires that “at least 25 percent of the credit hours required for an undergraduate degree are earned through instruction offered by the institution awarding the degree.” It also requires that “at least one-third of the credit hours required for a graduate or a post-baccalaureate professional degree are earned through instruction offered by the institution awarding the degree.”

<http://sacscoc.org/pdf/2018PrinciplesOfAcreditation.pdf>

SACSCOC also expects that policies for evaluating, awarding, and accepting transfer credit are published. SACSCOC expects that oversight for such activities is provided by persons academically qualified to make the necessary judgments.

<http://sacscoc.org/pdf/2018PrinciplesOfAcreditation.pdf>

The SACSCOC’s Position Statement on Transfer of Academic Credit states, “The accreditation standards of SACSCOC require member institutions to analyze credit accepted for transfer in terms of level, content, quality, comparability, and degree program relevance. The accreditation standards do not mandate that institutions accept transfer credit only from regionally accredited institution... Maintaining academic quality and integrity remains the primary responsibility of each institution accredited by SACSCOC... SACSCOC encourages member institutions to consider ways in which they might ease the acceptance of transfer of academic credit while maintaining an acceptable level of academic quality reflecting their unique missions.”

<http://sacscoc.org/pdf/081705/transfer%20credit.pdf>

Article IX, Section 7 of the Florida Constitution charges the Board of Governors with responsibility over articulation between state universities and public schools and colleges. In addition, subsection 1007.01(2)(b), Florida Statutes, recognizes the need for the State Board of Education and Board of Governors to work collaboratively around policies relating to articulation, particularly to “The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.”

<http://flsenate.gov/Laws/Statutes/2019/1007.01>

Subsection 1007.24(1), Florida Statutes, states, “The Department of Education, in conjunction with the Board of Governors, shall develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions that will improve program planning, increase communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions. The continuing maintenance of the system shall be accomplished with the assistance of appropriate faculty committees representing public and nonpublic educational institutions.” <http://flsenate.gov/Laws/Statutes/2019/1007.24>

The *Florida SCNS Statewide Course Numbering System* handbook, as revised 2019, provides the following explanation that faculty discipline committees utilize in “assigning course numbers and determining course equivalencies. Guidelines for determining course numbers and equivalencies emerged that included attention to prerequisites; intended students; level of complexity (introductory, intermediate, or advanced); content, depth, and detail with which content is treated in a course; and outcomes (level of operation or specific skills). Today, faculty credentials also must be considered when determining course equivalency for nationally accredited private institutions. Instructional procedures or delivery methods are not considered when determining course equivalencies. These are the prerogative of the institution and the instructor. Further, the decisions about which courses or programs to offer are the institutions’ prerogative.” <https://flscns.fldoe.org/LinkUploads/SCNS%202019%20Handbook.pdf>

The *ACE Military Guide to the Evaluation of Educational Experiences in the Armed Services* is found on the organization’s website and provides “credit recommendations and detailed summaries for formal courses and occupations offered by all branches of the military.”

<https://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> Over 2,300 colleges and universities recognize these as official transcripts that translates the student’s military experience into potential course credit.

<https://www.acenet.edu/Programs-Services/Pages/Credit-Transcripts/Request-Transcripts.aspx>

The ACE associate director of military programs provided a list of unique courses reviewed in 2000-2019 to Board of Governors staff on October 11, 2019. The results showed the review of 5,237 courses during that timeframe.

Whether earning course credit through actual postsecondary education coursework or through an equivalency recommendation (such as through the ACE recommendations), not all of the credit may be applied towards a student’s actual degree program if the course does not directly correlate to the student’s field of study. For example, if a student has previously earned credits in music through dual enrollment (or other means) and then seeks an engineering degree, the music coursework likely will not be applied towards the degree. Engineering programs, like many fields of study, can only accommodate a very limited number of elective credits.

There are a number of efforts nationally to assist veterans in receiving proper credit for past experience and training. Such projects often take a number of years to complete as different groups are involved in the process. For example, the Veterans Education Transition Support (VETS) Act (Public Chapter 612) of Tennessee was created in 2014. The Act was updated in 2015 requiring the Tennessee Higher Education Commission to develop uniform methods for evaluating credit for military service. Public Chapter 31 was created in 2017, providing a directive to standardize prior learning assessments for veterans returning to the college and to communicate the availability of that credit prior to the veteran enrolling in postsecondary education.  
(<https://www.tn.gov/content/dam/tn/thec/bureau/aa/veterans/pla/Evaluation%20Guide.pdf>) Tennessee's process involves administrative and faculty representation from various institutions, along with members from the military who have the expertise in particular training and experience. After two years, the state is still in the middle of this major project.

Colleges and universities are required by federal financial aid to evaluate a student's Satisfactory Academic Progress (SAP) either each semester or annually. There are three components involved: Grade Point Average, overall completion percentage, and total number of credit hours. The total number of credit hours attempted must include all hours attempted, including transfer credit which would include credit awarded for military training. Federal regulations allow a student a maximum of 150% of the hours needed to complete an undergraduate degree. At the point the student reaches the maximum, all federal financial aid and the Florida Student Assistant Grant students are no longer eligible to receive any awards. For a typical 120 credit hour degree program, a student may attempt up to 180 semester credit hours and still be eligible to receive these types of financial aid. In addition, federal regulations allow institutions to establish a lower threshold. Once a student reaches the threshold, they are no longer eligible to receive these types of financial aid, with few exceptions. Credit hours applied towards a student's degree through an evaluation of military training, education, and/or experience counts towards the total number of attempted credit hours used to determine eligibility for these financial aid programs.

The Board of Governors and the State Board of Education approve the ACC recommended *Articulation Coordinating Committee Credit-By-Exam Equivalencies* guidelines that establish course equivalencies for examinations successfully passed at specified levels. However, the Boards do not specify the equivalencies in actual regulation or rule because of the recurring changes to the list as courses are added, modified or deleted.

<http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>

<https://www.flbog.edu/wp-content/uploads/6.006-Accelerated-Mechanisms.pdf>

## Section 2

Postsecondary educational institutions generally charge a nominal fee per official transcript to be sent by the institution to the location designated by the student.

Board of Governors Regulation 7.003 Fees, Fines, and Penalties authorizes each university board of trustees to assess a transcript fee. Additionally, Board of Governors Regulation 7.008 specifies all waivers and exemptions of tuition and fees.

#### *EFFECT OF PROPOSED CHANGES*

##### *Section 1*

The Board of Governors and State Board of Education, in consultation with the Chancellors of the SUS and FCS, shall adopt a regulation and rule, respectively, that creates a standardized system for earning academic college credit at public postsecondary institutions for experience and college-level training and education acquired in the military, and which will include procedures for credential evaluation and awarding postsecondary credit.

The Articulation Coordinating Committee must appoint a workgroup by July 15, 2020, that will develop a uniform process for determining postsecondary course equivalencies and the awarding of minimum credit for courses taken and occupations held while in military service. The thirteen (13) member workgroup is to include the chair of the ACC serving as chair, 4 SUS academic affairs administrators and faculty appointed by the chair of the Board of Governors, 4 FCS academic affairs administrators and faculty appointed by the chair of the State Board of Education, 2 career center faculty also appointed by the chair of the State Board of Education, and 2 members representing veterans appointed by the executive director of the Department of Veterans' Affairs. In addition, the workgroup is to determine equivalencies of courses and occupations evaluated by the ACE and listed in its Military Guide since January 1, 2000. ACE staff reported in October 2019 that 5,237 unique courses since the year 2000.

Current review of credit-by-examination course equivalencies are conducted by faculty from related disciplines. The workgroup specified in the proposed bill appears to have not only the task of developing a process for determining processes for evaluation but also the actual review of the courses. However, the workgroup members will not have the necessary expertise to evaluate all of the ACE courses and occupations required by the bill since SACSCOC expects that equivalencies will be determined by persons academically qualified to make the necessary judgments. In addition, the timeline specified in the bill, July 15, 2020 – August 31, 2021, is insufficient to review the 5,237 military training and occupations listed by ACE as outlined in the bill. Furthermore, the listing of all course equivalencies in regulation and rule will require frequent revisions as courses are continually added, modified, and removed over time.

Since postsecondary institutions generally use the Statewide Course Numbering System as the basis for defining coursework, not all military courses may have a clear match to courses offered by the SUS institutions or the other education entities specified in the bill. Some military courses may be listed as being equivalent to “6 semester hours in social sciences,” which will likely be considered as elective credit within a degree program. Most degree programs have limited numbers of elective credits which, in turn, is likely to limit how many credits from military courses can be applied towards a degree program if the credits earned from military coursework does not correlate with the degree requirements. Military coursework also may not count towards general education core coursework or towards meeting civic literacy competency unless the course can be directly matched to a specific course offered by SUS institutions or the other education entities specified in the bill.

An electronic mechanism for tracking and administering the course equivalencies will be necessary, either through an expansion of the SCNS or something new. Either option will require time and resources to put a mechanism in place. This tool would need to be available to all SUS institutions and the other education entities specified in the bill.

The ACC shall review the initial list of proposed credit equivalencies from the workgroup by September 1, 2021. This ACC-approved list shall then be approved by the Board of Governors and State Board of Education in regulation and rule, respectively, by December 1, 2021.

Beginning January 1, 2022, postsecondary credit for military training and occupations as adopted must be awarded by public postsecondary institutions provided that the credit is applicable towards the student’s degree or certificate.

All public postsecondary education institutions would be required to participate in the uniform system for awarding credit. All institutions will be expected to accept the credit both as evaluated and in transfer if applicable to the student’s degree.

Subsection 1009.286(4), Florida Statutes, may need to be amended to clarify whether any credit earned through this new evaluation of military training and occupations is exempted from the credit hours included in the calculation used for determining excess hours fee requirements.

Depending upon recency of the training, education or experience, students may or may not have retained sufficient knowledge and/or skills necessary to be successful in a degree program. For example, if certain training is found to be equivalent to a specific math course and it has been five or more years since the student participated in the armed forces training, he or she may not have retained the minimum math skills needed to be successful at the next level of mathematics. This would be especially true if the evaluated training was taken in 2000, twenty-two (22) years before the credit equivalency could potentially be applied towards one’s degree or certificate.

Increasing the number of credit hours attempted for these students will directly impact their eligibility for all federal financial aid and the Florida Student Assistant Grant due to the limits on the number of credit hours for which financial aid is awarded.

## *Section 2*

SUS institutions, FCS institutions, career centers operated by a school district under section 1001.44, Florida Statutes, and charter technical career centers will be required to waive the transcript fee for active duty members or honorably discharged veterans of the Armed Forces of the United States and their spouse and dependents. Additionally, institutions will be required to report the number and value of fee waivers granted annually to the Board of Governors and State Board of Education, respectively.

The Board of Governors and the State Board of Education will be required to adopt a regulation and rule, respectively, to incorporate this requirement. The Board of Governors will also need to amend Regulation 7.003 Waiver and Exemptions of Tuition and Fees.

## ***ESTIMATED STUDENT IMPACT***

### *Section 1*

As noted above, all public postsecondary institutions in Florida already have processes and procedures for awarding credit for military training and experience. The proposed bill may increase, by an indeterminate amount, the number of additional students who may receive credit and the number of credits awarded.

Increasing the number of credit hours attempted for these students will directly impact their eligibility for all federal financial aid and the Florida Student Assistant Grant due to the limits on the number of credit hours for which financial aid is awarded.

If a student has received an evaluation of military training, education, and experience and was awarded credit by one Florida public postsecondary institution, the credit would be recognized by another Florida public postsecondary institution if the student transfers as long as the credit fulfills a degree requirement at the receiving institution.

Once fully implemented, there would be greater transparency in the review of military education, training and experience towards the awarding of academic college credit and its application towards the degree.

Depending upon the recency of the military training, education or experience, the student may need to refresh their skills or repeat coursework in order to be successful at the next level of academic college credit coursework.

*Section 2*

Students attending state universities, Florida College System institutions, and designated career centers who are active duty members or honorably discharged veterans of the Armed Forces of the United States or his or her spouse or dependents, will have their transcript fee waived.

***FISCAL IMPACT***

***ESTIMATED FISCAL IMPACT ON LOCAL GOVERNMENTS AND UNIVERSITIES***

*Section 1*

The proposed bill language creates a uniform system to enable eligible service members or veterans of the United States Armed Forces to earn academic credits for experience and college-level training and education acquired in the military. To facilitate this uniform system, it will involve additional staff and faculty effort at both the institutions and the state educational systems offices. Additional cost will also be incurred to create and maintain the system that would require participation from each public postsecondary education institution. The incremental cost to the institutions and the State of Florida is indeterminable at this time.

*Section 2*

The proposed bill language requiring public postsecondary institutions to waive the transcript fee for an active duty member of the Armed Forces of the United States or an honorably discharged veteran will generate lost revenue across the State University System. Based on data from 2017-18, a total of approximately 8,000 veterans or active duty members would generate between \$48,000 to \$80,000 in transcript fees.

***ESTIMATED IMPACT ON THE BOARD OF GOVERNORS OFFICE***

The proposed bill will require the Board office to modify reporting requirements for multiple student data submissions. The Board Office will also need to draft a proposed regulation to address the requirements in the bill for consideration by the Board of Governors.

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

***LEGAL ISSUES (if applicable)***

***ANALYST COMMENTS***

**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.)

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

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BILL: SM 420

INTRODUCER: Senator Diaz

SUBJECT: VA MISSION Act of 2018

DATE: November 12, 2019      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SM 420 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 protocol.

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 a 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, also known as the Caring for Our Veterans Act of 2018.<sup>1</sup> The Act represents an overhaul of existing law on veteran health care to improve access for veterans.<sup>2</sup>

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.<sup>3</sup>

#### *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.<sup>4</sup> The act consolidates seven VA community care programs into one streamlined program.<sup>5</sup> As part of this consolidation, the VA is establishing standards for access and quality that will apply to both VA facilities and community providers.<sup>6</sup> 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.<sup>7</sup>

#### *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.<sup>8</sup> Caregivers may also receive mental health counseling and enhanced respite services.<sup>9</sup> 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.<sup>10</sup> Beginning in the

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

<sup>2</sup> VetsFirst, *What is the VA Mission Act?*, available at <http://www.vetsfirst.org/what-is-the-va-mission-act/> (last visited Oct. 22, 2019).

<sup>3</sup> Office of Enterprise Integration, U.S. Dept. of Veterans Affairs, *VA MISSION Act*, available at <https://www.va.gov/oei/missionAct/> (last visited Oct. 22, 2019).

<sup>4</sup> *Id.*

<sup>5</sup> 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](https://www.veterans.senate.gov/imo/media/doc/One%20Pager_The%20VA%20MISSION%20Act%20of%202018.pdf) (last visited Oct. 22, 2019).

<sup>6</sup> Office of Enterprise Integration, *supra* note 3.

<sup>7</sup> GovTrack, s. 2372 (115th: VA MISSION Act of 2018), available at <https://www.govtrack.us/congress/bills/115/s2372/summary> (last visited Oct. 22, 2019).

<sup>8</sup> U.S. Dept. of Veterans Affairs, *VA Caregiver Support*, available at <https://www.caregiver.va.gov/> (last visited Oct. 22, 2019).

<sup>9</sup> Office of Enterprise Integration, *supra* note 3.

<sup>10</sup> *Id.*

summer of 2020, the act expands the program to eligible veterans and their family caregivers in two phases.<sup>11</sup> First, family caregivers of veterans who were seriously injured in the line of duty on or before May 7, 1975, will become eligible. Two years later, family caregivers of veterans who were seriously injured in the line of duty between May 7, 1975, and September 10, 2001, will be eligible.<sup>12</sup>

### ***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.<sup>13</sup> The VA also now partners with over 1,800 academic institutions, making it the largest medical education program in the country.<sup>14</sup>

### ***Strengthening Infrastructure***

The act requires the VA to establish a nine member Asset and Infrastructure Review Commission (Commission) appointed by the President of the United States and tasked with making recommendations to the President on Veterans Health Administration System (VHA) facility modernization and realignment.<sup>15</sup> To date, the President has not submitted a list of candidates to the Commission to the Senate for approval. Members of Congress have filed several bills recently, to alternately speed up the date the Commission convenes, and to eliminate the Commission.<sup>16</sup>

## **III. Effect of Proposed Changes:**

SM 420 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;
- Seamless access to walk-in care;
- Innovation in care delivery and claims processing; and
- Meeting key deadlines as the VHA reviews its infrastructure needs.

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> U.S. Department of Veterans Affairs, *VA Careers*, available at: <https://www.vacareers.va.gov/> (last visited Oct. 22, 2019).

<sup>14</sup> *Id.*

<sup>15</sup> GovTrack, *supra* note 7.

<sup>16</sup> The AIR Acceleration Act, filed in the Congressional House of Representatives, June 4, 2019, would accelerate the timeline for the Asset and Infrastructure Review Commission by authorizing the Commission to meet in years other than 2022 and 2023. H.R. 3083, GovTrack, available at <https://www.govtrack.us/congress/bills/116/hr3083/text>. The Elimination of the VA Asset and Infrastructure Review (AIR) Commission of 2019 Act, filed March 27, 2019, in the Congressional Senate would eliminate the Commission. S. 853, GovTrack, available at <https://www.govtrack.us/congress/bills/116/s853/text>.

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 420 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 identified.

##### **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

36-00676-20

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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

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

36-00676-20

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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

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

36-00676-20

2020420\_\_

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

BE IT FURTHER RESOLVED that the Congress and the United States Department of Veterans Affairs are urged to ensure the law's deadlines are timely met so veterans can gain access to the highest quality of health care both inside and outside of the Veterans Health Administration system. Successful implementation requires the 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 Veterans Health Administration reviews its infrastructure needs.

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/13/19

Meeting Date

SB 420

Bill Number (if applicable)

Topic VA MISSION ACT 2018

Amendment Barcode (if applicable)

Name MARK FETTERMAN

Job Title DIRECTOR

Address 5201 W KENNEDY BLVD

Street

TAMPA

City

FL

State

33609

Zip

Phone \_\_\_\_\_

Email MFETTERMAN@DW  
SUNCOAST.ORG

Speaking: ☒ For ☐ Against ☐ Information

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

Representing UNITED WAY SUNCOAST - MISSION UNITED

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)

13 Nov 19

Meeting Date

420

Bill Number (if applicable)

Topic VA Mission Act

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI

Job Title Legislative Liaison

Address 1200 West College Ave

Phone

Street

TLH

FL

City

State

Zip

Email decheverri@cv4a.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Concerned Veterans for American

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



## APPEARANCE RECORD

11/13/2019

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

420

Meeting Date

Bill Number (if applicable)

Topic VA mission Act of 2018

Amendment Barcode (if applicable)

Name Danny Burgess

Job Title Executive Director

Address 400 S. Monroe Street, Capitol 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email burgessd@fldva.state.fl.us

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

Representing Florida Dept. of Veterans Affairs

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

# **Transforming Florida's Space Future**

**“... Are We There Yet?”**

**SPACE FLORIDA**



**Mark Bontrager**  
**VP, Spaceport Operations**



## A Look At the Future....This?





Or This?



**Or Both....Limited Only By Imagination!**

# **Transforming Florida's Space Future**

**A Decade Ago ... Focus Was On  
Rebuilding from “Retirement of the  
Shuttle”**

**SPACE FLORIDA**





# Building A World-Leading Aerospace Industry

... .. Aviation, Space and Aerospace Manufacturing



OneWeb

NORTHROP GRUMMAN

HARRIS RUAG



EMBRAER

Honeywell



GKN Aerospace

ULA  
United Launch Alliance

MADE  
IN SPACE

AEROJET  
ROCKETDYNE

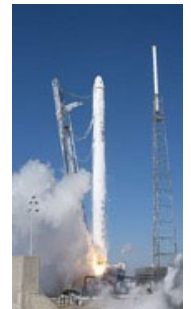
LOCKHEED MARTIN



BOEING



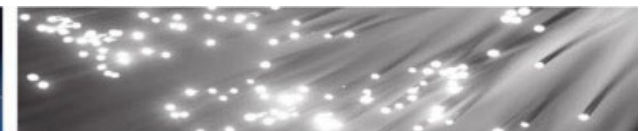
BLUE  
ORIGIN



AIRBUS  
GROUP

Raytheon

SPACEX



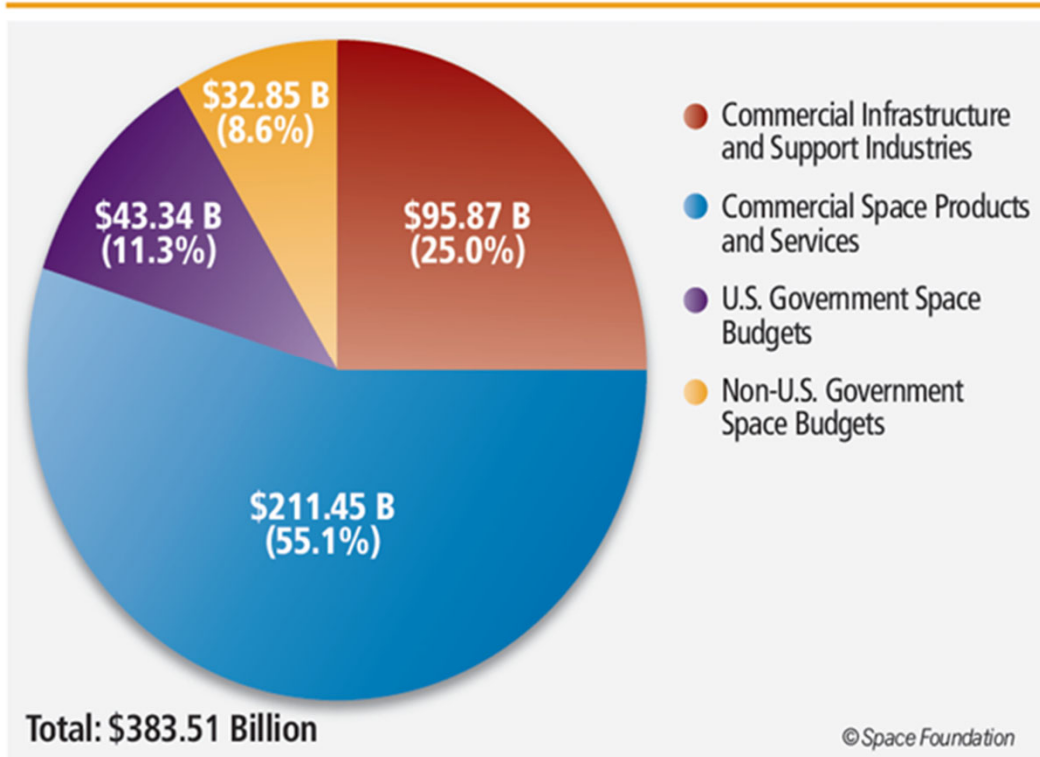


# The Rise of Commercial Space Companies



# Global Space Industry Outlook / Drivers

**EXHIBIT 1.** Global Space Activity, 2017



## Over 76% of Global Revenue from Commercial Sources

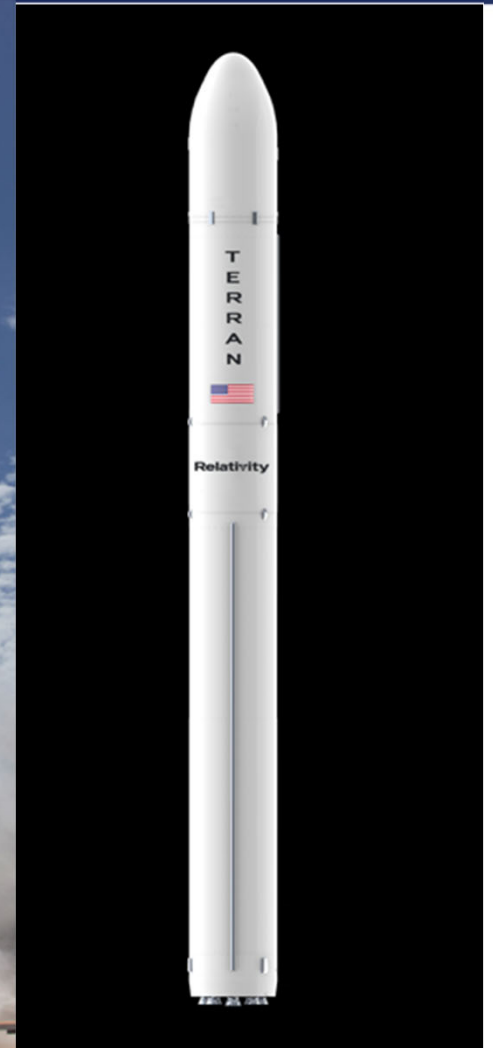
- Insatiable Demand for Bandwidth
- Video/Data Driving Demand
- Need for Global Interconnectivity
- New Value-Add Aps / Service Companies
- Major Impact on launch Demand / New Entrants
- 10,000 Launches Forecast ... next decade
- **New Era of Space Commerce**
- **Emergence of Low Earth Orbit and “Cis-Lunar Economy”**

Source: *The Space Report 2018* – Space Foundation





# Small Launch Vehicle Initiatives





# Firefly Aerospace ... Manufacturing Facility



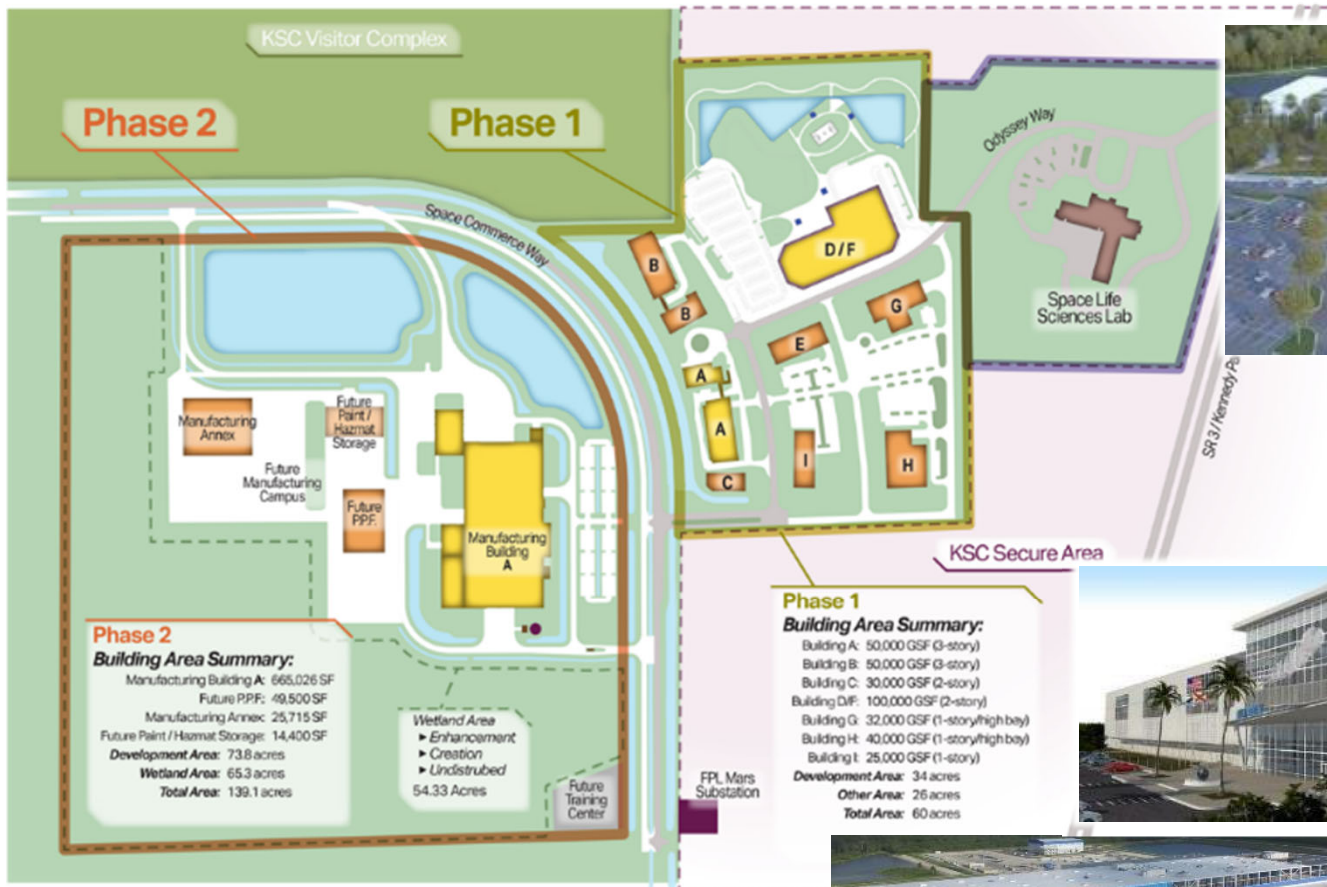




## Airbus-One Web Satellite Facility Fully Operational – Q3 2019



# EXPLORATION PARK DEVELOPMENT





SPACE FLORIDA

# Port and Spaceport ... Integrated Operations



*from*  
ISSUE 4 / 2017  
of BREAKBULK  
MAGAZINE

# Port and Spaceport ... Integrated Operations





# **Transforming Florida's Space Future**

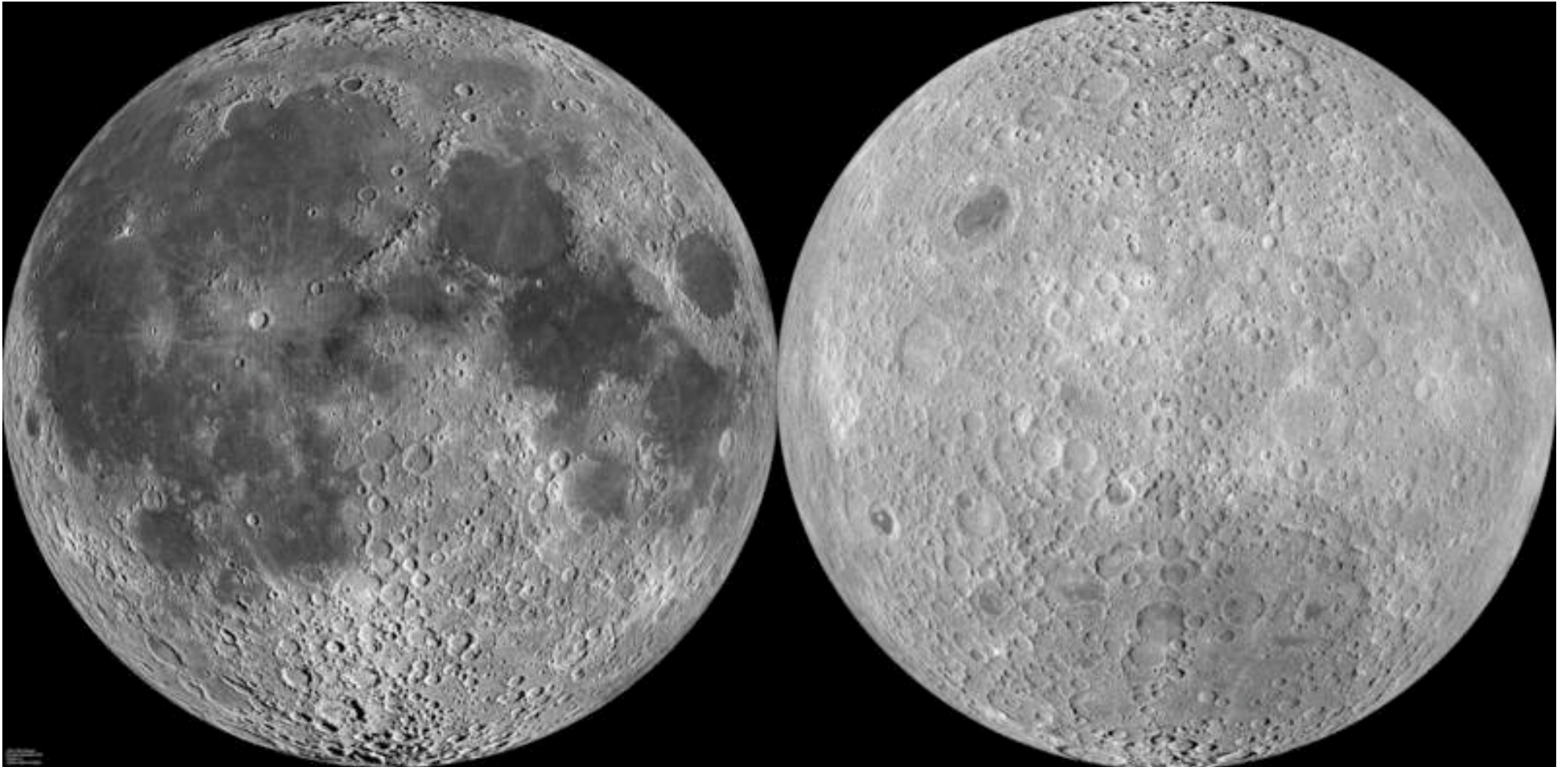
**“... Are We there Yet?”**

**“The Future” ... We Are Well On Our Way**

**&**

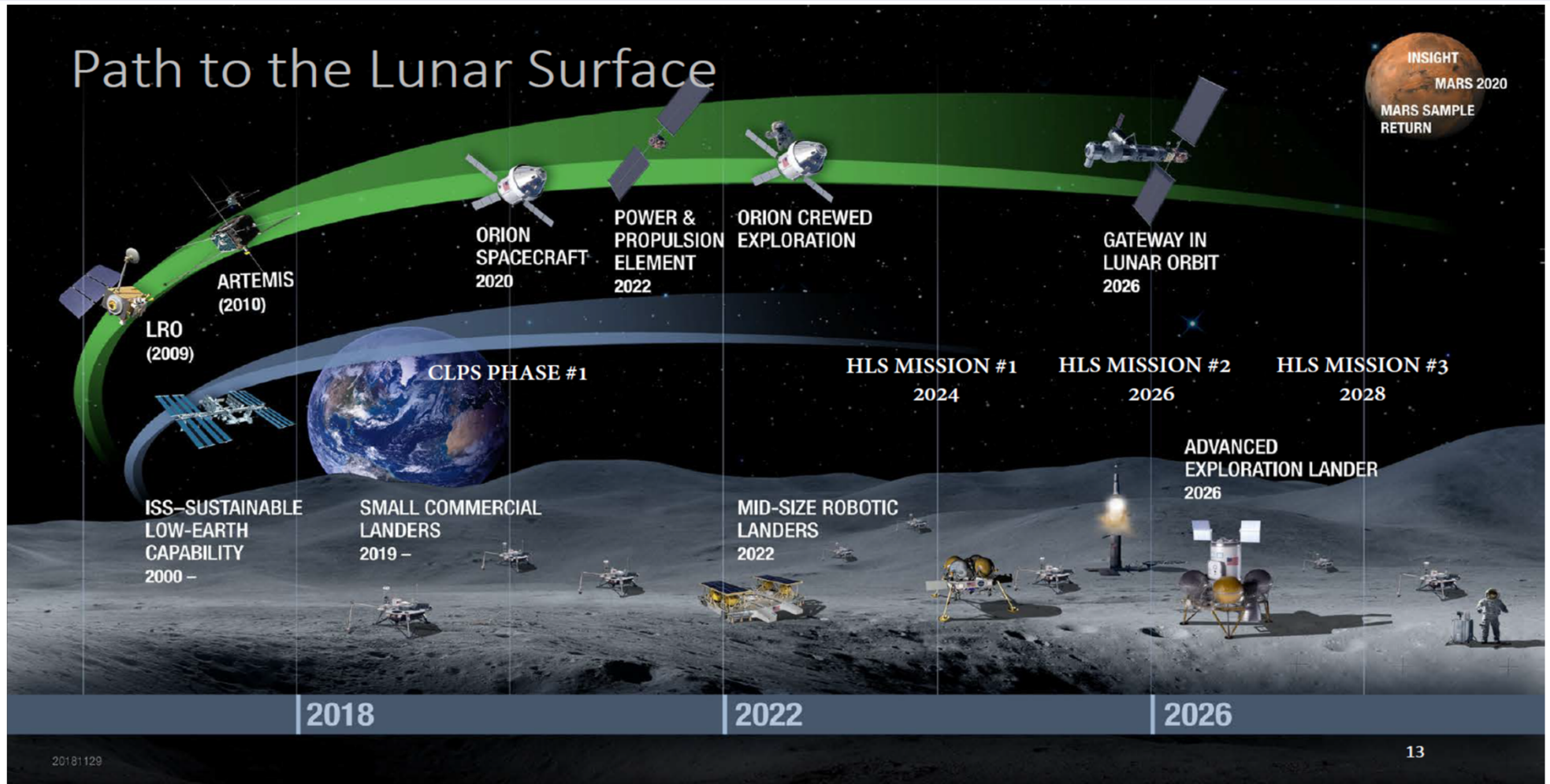
**Positioned To Be A Global Leader!**

# Next Gen Space Exploration / Exploitation





# Next Gen Space Exploration / Exploitation



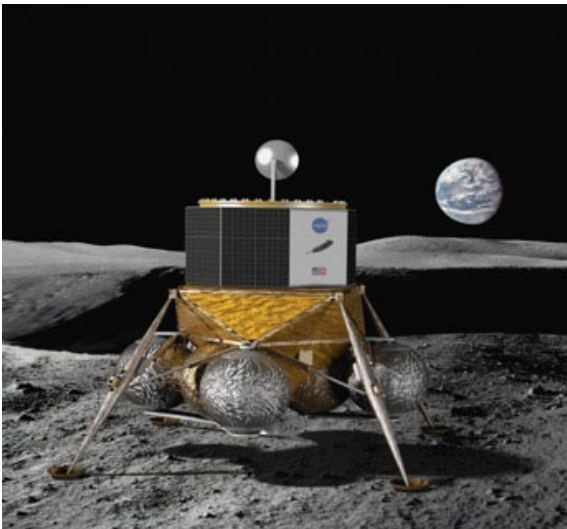
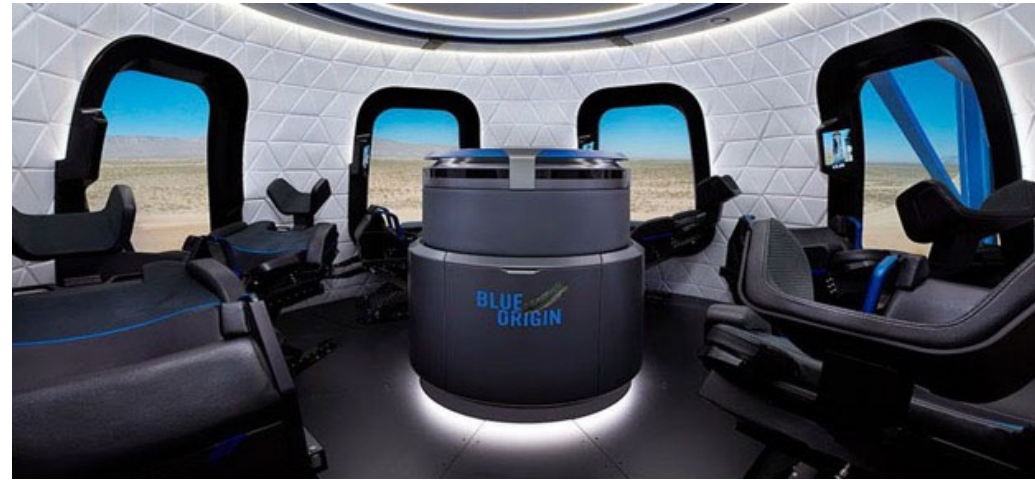
# NASA Revising Lunar Plan for 2024 Landing



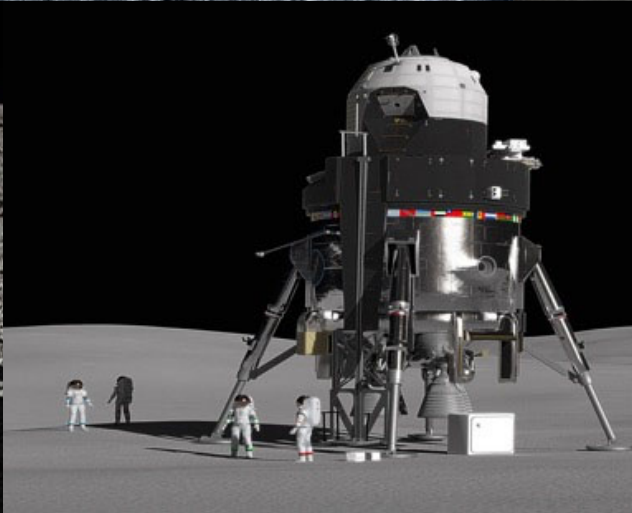




# Next Gen Spacecraft and Space Support Vehicles

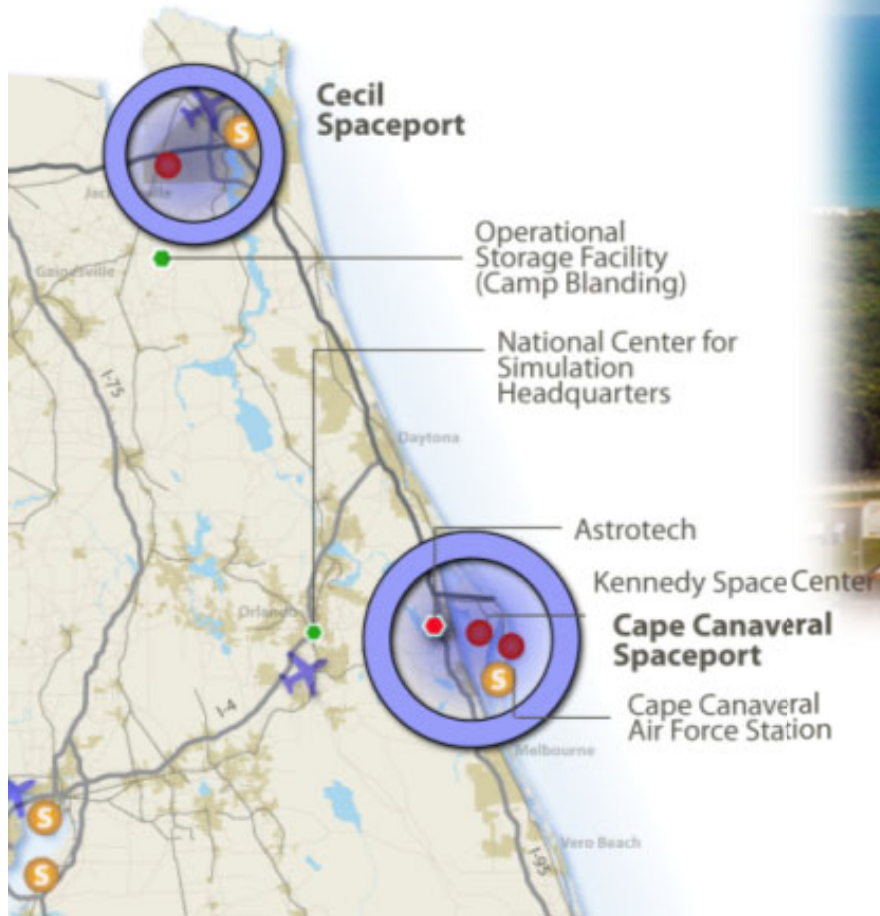


# Destination Hardware ... Landers / Surface Platforms





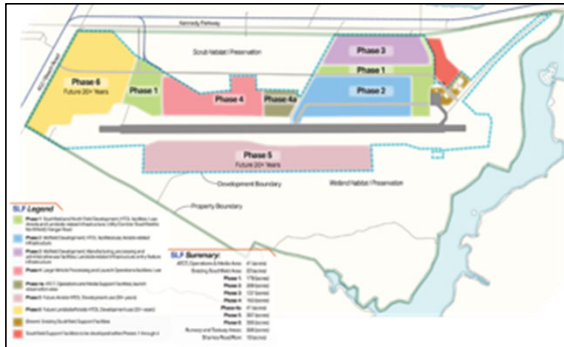
# Spaceport Future: Two FAA Licensed Spaceports





# Active Spaceport Infrastructure Projects

18 Active Projects totaling \$183M+  
Additional \$819M+ Private Sector Match



Space Florida Launch and Landing Facility



Aerospace Manufacturing Facilities



Space Vehicle Operations Facility



Launch Complex Upgrades



Mission Operations  
Control Centers



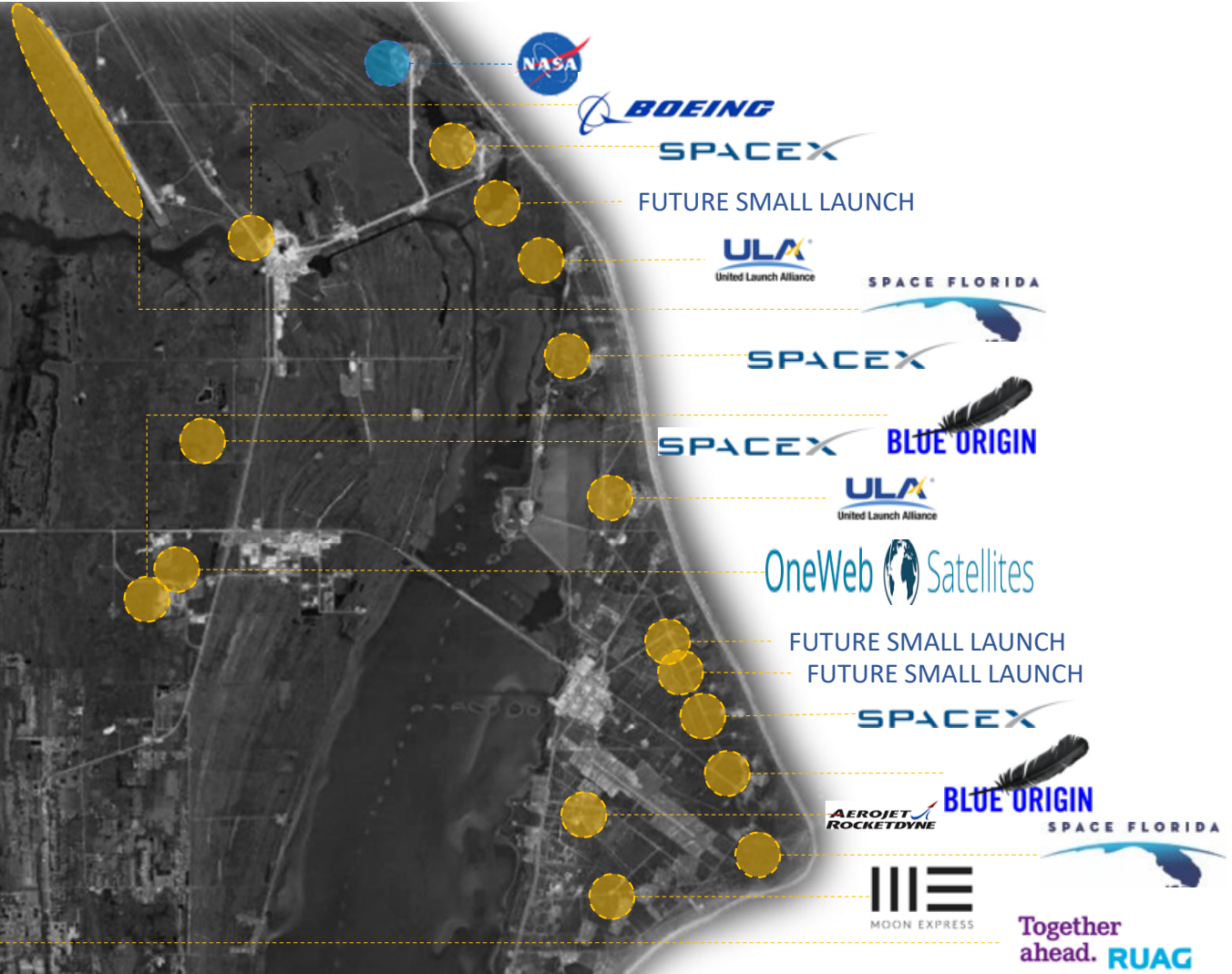
Launch Complex Upgrades



Rocket Testing Complex



# CAPE CANAVERAL SPACEPORT



SPACE FLORIDA

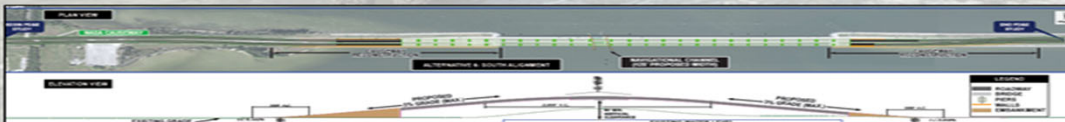


# Indian River Bridge Initiative

SPACE FLORIDA



## Cape Canaveral Spaceport Indian River Bridge Replacement & Space Commerce Way Connector



### Infrastructure for Rebuilding America (INFRA) Program

Department of Transportation's Nationally Significant Freight and Highway Projects (INFRA Grants) for Fiscal Year 2019

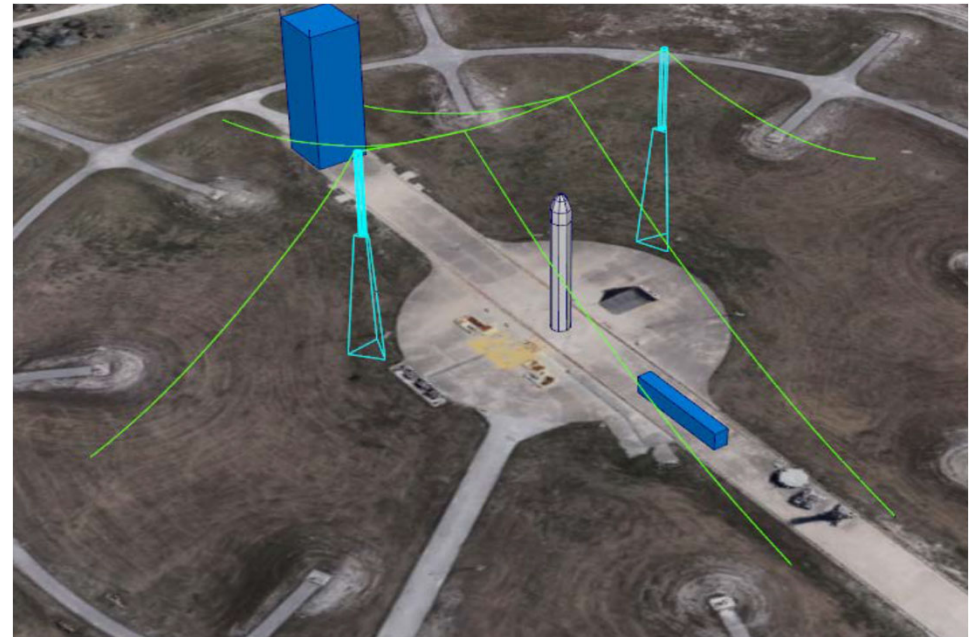
- Space Florida as Lead Grant Applicant, in partnership with



- Space Florida to Finance INFRA Grant Match Requirement
- FDOT to Build Bridge Replacement



# Space Launch Complex 46 Development



- Operational Launch Complex
  - Minotaur IV: August 26, 2017
  - NASA-Abort Test: July 2, 2019
- FAA Licensed

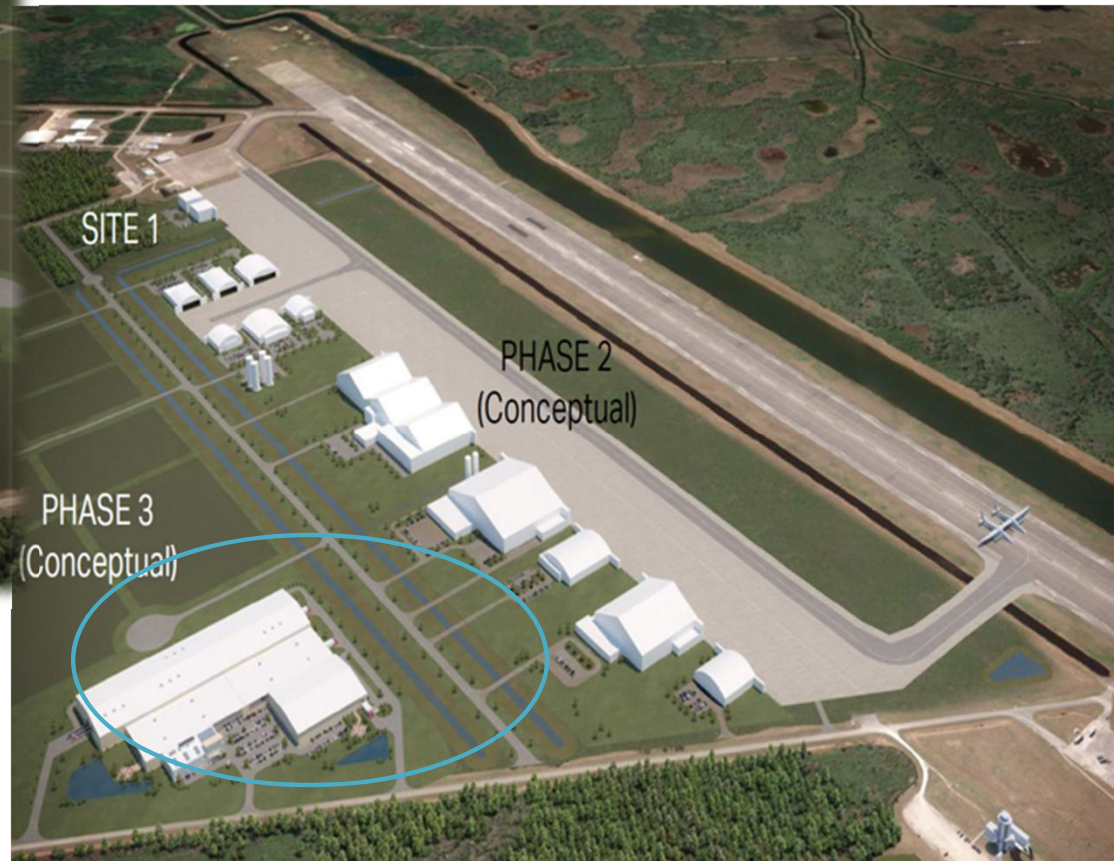
- Current Explosive Siting
- Current Environmental Assessment
- Adding Lightning Protection System

# Space Florida's Launch and Landing Facility

## The Future



## Current Site Availability



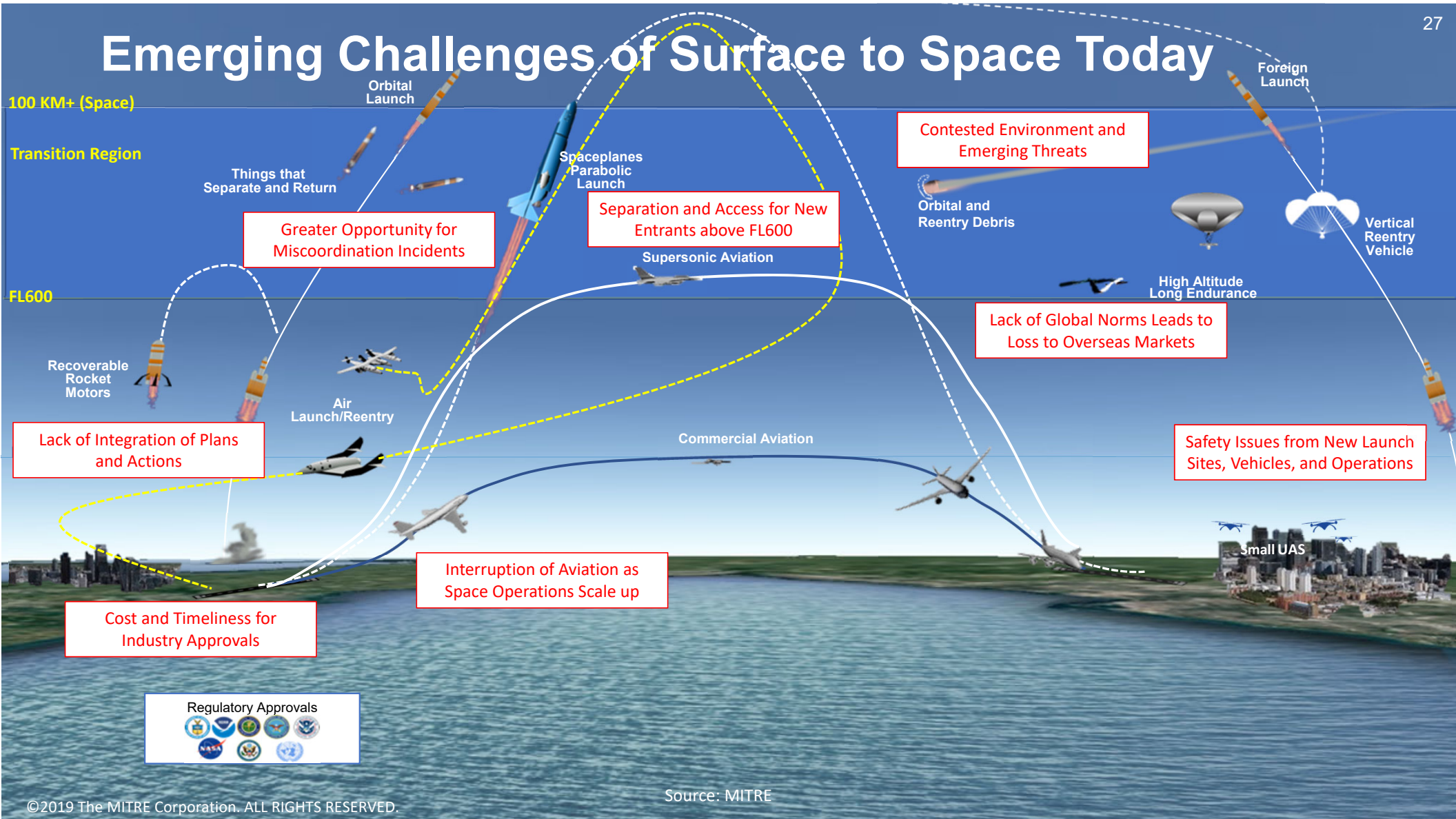


SPACE FLORIDA

# Next Gen Systems ... Enabling Space Commerce



# Emerging Challenges of Surface to Space Today

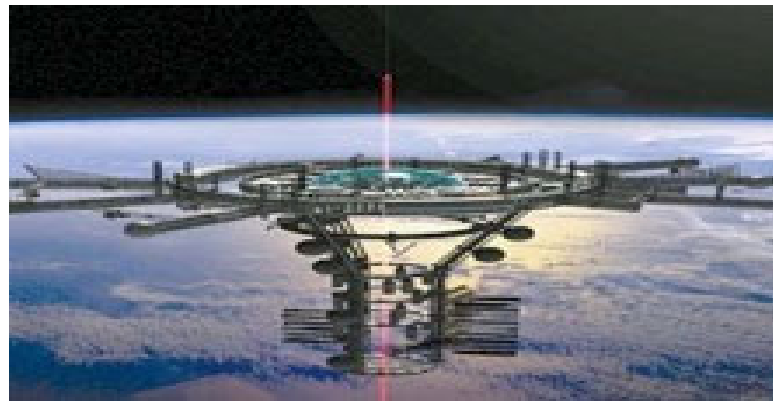


# VISION: Florida as a Global “Space Commerce Trade-Port”



*Enabling Space  
Research,  
Product  
Manufacturing,  
and  
On-Orbit  
Services*

*... out there ...  
and back!*



SPACE FLORIDA



# Challenge of Converging Technologies for Air & Ground

## The Building Blocks of Autonomy

Prepared by  VISION  
SYSTEMS  
INTELLIGENCE

### AUTONOMOUS SOLUTIONS



### PROCESSING



### SENSORS



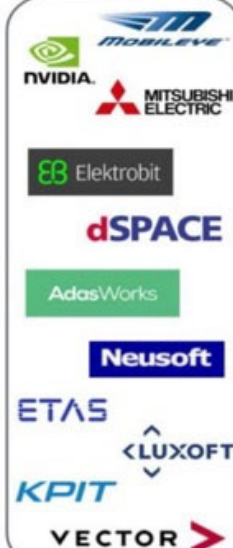
### CONNECTIVITY



### MAPPING



### ALGORITHMS



### SECURITY/SAFETY



### DEVELOPMENT TOOLS



# Challenge/Key to Future Aerospace Innovation – Workforce





A photograph of an astronaut inside a red SpaceX Dragon capsule, orbiting Earth. The astronaut is wearing a white helmet and a white glove, and is looking out of the capsule's window. The Earth's blue and white clouds are visible in the background.

Thank you!

Courtesy of SpaceX



# APPEARANCE RECORD

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

11/13/19

Meeting Date

Bill Number (if applicable)

Topic Space Florida

Amendment Barcode (if applicable)

Name Mark Bontrager

Job Title VP, Spaceport Operations

Address 505 Odyssey Way, Suite 300

Phone 321-730-5301

Street

Exploration Park FL 32953

City

State

Zip

Email mbontrager@spaceflorida.gov

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Space Florida

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# CourtSmart Tag Report

**Room:** LL 37

**Case No.:**

**Caption:** Senate Military and Veterans Affairs and Space Committee

**Type:**

**Judge:**

**Started:** 11/13/2019 10:01:18 AM

**Ends:** 11/13/2019 10:56:59 AM **Length:** 00:55:42

10:01:16 AM Meeting called to order by Chair Wright  
10:01:52 AM Roll call by CAA Lois Graham  
10:02:00 AM Quorum announced  
10:02:08 AM Pledge of Allegiance led by Senator Broxson  
10:02:29 AM Chair Wright with opening comments  
10:02:58 AM Vice-Chair Cruz takes the chair  
10:03:07 AM Tab 1 SPB 7010 OGSR/ Servicemembers and the Spouses and Dependents of Servicemembers  
10:03:24 AM Senator Wright explains the bill  
10:05:36 AM Senator Pizzo moves to make SPB 7010 a Committee Bill  
10:05:55 AM Roll call on SPB 7010  
10:06:09 AM SPB 7010 is reported favorably  
10:06:19 AM Tab 2 SB 294-Crimes Against Veterans by Senator Wright  
10:06:29 AM Chair Wright explains the bill  
10:07:38 AM Senator Harrell with question  
10:07:47 AM Chair Wright responds  
10:08:09 AM Senator Harrell with follow-up  
10:08:45 AM Senator Torres with question  
10:08:50 AM Chair Wright responds  
10:09:23 AM Appearance Cards  
10:09:28 AM Dan Hendrickson, President, Tallahassee Veterans Legal Collaborative waives in support  
10:09:32 AM Meredith Brock Stanfield speaks in support  
10:10:14 AM Senator Broxson with question  
10:10:53 AM Ms. Stanfield responds  
10:12:04 AM Danny Burgess, Executive Director, Florida Department of Veterans' Affairs (FDVA) waives in support  
10:12:11 AM Allison Sitte, Legislative Affairs Director, FDVA waives in support  
10:12:20 AM Bill Kelmich, VFW/American Legion waives in support  
10:12:28 AM Senator Pizzo in debate  
10:13:01 AM Chair Wright responds  
10:13:03 AM Chair Wright waives close  
10:13:33 AM CAA calls the roll  
10:13:39 AM SB 294 reported favorably  
10:13:56 AM Vice-Chair Cruz returns Chair to Chair Wright  
10:14:04 AM Tab 3 SB 372 Postsecondary Education for Certain Military Personnel by Senator Lee  
10:14:10 AM Senator Lee explains the bill  
10:16:47 AM Senator Harrell with question  
10:17:04 AM Senator Lee responds  
10:19:25 AM Senator Harrell with follow-up  
10:19:37 AM Senator Lee responds  
10:21:03 AM Senator Pizzo with question

10:21:11 **AM** Senator Lee responds  
10:22:21 **AM** Appearance Forms  
10:22:24 **AM** Dan Hendrickson, President Tallahassee, Veterans Legal Collaborative waives in support  
10:22:34 **AM** Mark Fetterman, Director, United Way Suncoast Mission United waives in support  
10:22:44 **AM** Bill Kelmich, VFW/American Legion waives in support  
10:22:53 **AM** Stella Tokar, United Way Broward County waives in support  
10:23:02 **AM** Sybil Allison, Director, United Way Broward County waives in support  
10:23:18 **AM** Senator Harrell in debate  
10:24:28 **AM** Chair Wright with comments  
10:24:38 **AM** Senator Lee with comments and waives close  
10:25:00 **AM** Roll call on SB 372  
10:25:41 **AM** SB 372 reported favorably  
10:25:53 **AM** Tab 4- SM 420 VA Mission Act of 2018 by Senator Diaz  
10:26:06 **AM** Senator Diaz explains the bill  
10:27:52 **AM** Appearance Forms  
10:27:56 **AM** Mark Fetterman waives in support  
10:28:06 **AM** Diego Echeverri, Legislative Liaison, Concerned Veterans for America, waives in support  
10:28:11 **AM** Danny Burgess waives in support  
10:28:22 **AM** Senator Cruz in debate  
10:28:30 **AM** Senator Diaz responds  
10:30:13 **AM** Senator Diaz waives close  
10:30:27 **AM** Roll call on SM 420  
10:30:33 **AM** SM 420 reported favorably  
10:30:51 **AM** Tab 5 Presentation by Mark Bontrager, Vice President of Spaceport Operations, Space Florida  
10:30:59 **AM** Mr. Bontrager presents  
10:47:41 **AM** Senator Broxson with question  
10:48:41 **AM** Mr. Bontrager responds  
10:51:56 **AM** Senator Harrell with question  
10:52:19 **AM** Mr. Bontrager responds  
10:54:37 **AM** Senator Harrell with follow-up  
10:54:45 **AM** Mr. Bontrager responds  
10:55:33 **AM** Chair Wright with question  
10:55:40 **AM** Mr. Bontrager responds  
10:56:06 **AM** Chair Wright with follow-up  
10:56:17 **AM** Mr. Bontrager responds  
10:56:35 **AM** Chair with comments  
10:56:42 **AM** No further business before the committee  
10:56:43 **AM** Senator Harrell moves to adjourn  
10:56:48 **AM** Meeting adjourned