

## Committee on Military Affairs, Space, And Domestic Security

### **CS/CS/HB 95 — State Parks**

by Appropriations Committee; State Affairs Committee; and Reps. Bembry, Brandes, and others (CS/CS/SB 236 by Budget Subcommittee on General Government Appropriations; Environmental Preservation and Conservation Committee; and Senators Hays, Detert, Jones, Altman, Oelrich, and Gaetz)

#### *Lifetime Family Annual Entrance Passes to State Parks*

The bill expands the eligibility for certain persons to receive a lifetime family annual entrance pass to Florida state parks at no charge. Current law allows for the surviving spouse of a deceased member of the United States Armed Forces, National Guard, or any of their reserve components who has fallen in combat to obtain a lifetime family annual entrance pass to Florida state parks at no charge. The bill extends this benefit to include:

- Parents of a deceased member of the United States Armed Forces, National Guard, or any of their reserve components who has fallen in combat; and
- Surviving spouse and parents of a law enforcement officer or a firefighter who has died in the line of duty.

#### *State Park Surcharge Fees*

The bill amends s. 380.0685, F.S., to expand the use of surcharge fees collected at state parks in areas of critical concern to allow municipalities the option of using the funds for beach renourishment and restoration activities. The bill prohibits the use of such fees for the purpose of providing state matching funds.

#### *Livestock Owner Liability*

The bill exempts the state from the livestock owner liability provisions of s. 588.15, F.S., with respect to free-roaming animal populations within the state park system. This provision in the bill was incorporated to address the American bison presence at the Payne's Prairie Preserve State Park in Alachua County, in which the Department of Environmental Protection has classified as livestock rather than wildlife.

#### *D.D. "Jack" Mashburn and the Grand Lagoon at St. Andrews State Park*

The bill designates the marina commonly known as the "boat basin" on Grand Lagoon at St. Andrews State Park in Bay County as the "Jack Mashburn Marina." It also directs the Department of Environmental Protection to erect suitable markers for the designation.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 114-0*

## Committee on Military Affairs, Space, And Domestic Security

### **CS/CS/CS/CS/HB 283 — Seaports**

by Economic Affairs Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; Transportation and Highway Safety Subcommittee; and Rep. Young and others (CS/SB 524 by Transportation Committee and Senators Latvala, Hill, Garcia, Joyner, Ring, Storms, Gaetz, Bennett, Jones, Bullard, Sobel, Altman, and Smith)

#### *Port Citrus*

The bill amends s. 311.09, F.S., to include a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council (council). The bill also permits Citrus County to apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County. The bill further provides that the membership of Port Citrus on the council shall terminate if the study determines that a port in Citrus County is not feasible.

#### *Seaport Security*

The bill also makes substantial changes to existing Florida law relating to security requirements for Florida's deepwater public ports. Florida is believed to be the only state with its own seaport security standards in addition to the federal standards. In broad terms, the bill amends s. 311.12, F.S., to address the duplicative security requirements mandated by both the state and federal government by: repealing the statewide minimum security standards; eliminating the Florida Department of Law Enforcement's (FDLE) role in the security of the seaports; and prohibiting seaports from charging a fee for a seaport specific access credential issued in addition to the federal Transportation Worker Identification Credential (TWIC).

Specifically, the bill makes the following changes to the state's seaport security laws:

- Repeals the statewide minimum security standards.
- Provides that seaports may implement security standards more stringent than the federal standards.
- Removes the authority for FDLE to exempt all or part of a seaport from the state's seaport security requirements, if FDLE determines that it is not vulnerable to criminal activity or terrorism.
- Revises the requirements for seaports to update their security plans, consistent with federal requirements.
- Deletes FDLE's Access Eligibility Reporting System.
- Prohibits seaports from charging a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the TWIC.
- Provides that beginning July 1, 2013, a seaport may not charge a fee for a seaport specific access credential issued in addition to the federal TWIC, except under certain circumstances.

- Deletes the requirement for a TWIC holder to execute an affidavit when seeking authorization for unescorted access to secure and restricted areas of a seaport.
- Removes the state criminal history screening and the state specific disqualifying offenses for working in a seaport.
- Removes the requirement for FDLE to conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the statewide minimum security standards.
- Repeals the Seaport Security Standards Advisory Council established in s. 311.115, F.S.

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

*Vote: Senate 36-1; House 114-0*

**Committee on Military Affairs, Space,  
And Domestic Security**

**HB 431 — Driver's Licenses and Identification Cards**

by Rep. Sands and others (SB 904 by Senators Dean, Gaetz, and Altman)

The bill amends s. 320.08, F.S., to add a voluntary contribution check-off option of \$1 on driver's license and identification card applications. Individuals applying for an original, renewal, or replacement driver's license or identification card will have the option to make a \$1 donation to the Disabled American Veterans, Department of Florida (DAV), a not-for-profit organization. The Department of Highway Safety and Motor Vehicles (DHSMV) will collect the voluntary contributions and transfer those funds quarterly to the DAV. According to DHSMV, the DAV has met the requirements set forth in s. 322.081, F.S., and is exempt from the moratorium established in ch. 2010-223, L.O.F.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 115-0*

## Committee on Military Affairs, Space, And Domestic Security

### **CS/CS/SB 450 — Emergency Management**

by Judiciary Committee; Military Affairs, Space, and Domestic Security Committee; and Senators Bennett and Altman

The bill creates the “Postdisaster Relief Assistance Act” to provide immunity from civil damages to persons who gratuitously and in good faith, supply temporary housing, food, water, or electricity to emergency first responders or their immediate family members in response to a declared emergency or public health emergency.

The immunity provided to persons under the bill does not apply to damages as a result of any act or omission:

- That occurs more than 6 months after the declaration of an emergency, unless the declared emergency is extended, in which case the immunity continues to apply for the duration of the extension; or
- That is unrelated to the original declared emergency or any extension thereof.

In addition, the immunity granted to providers of temporary housing, food, water, or electricity does not apply in situations in which the provider acts in a manner that demonstrates reckless disregard for the consequences of another. The bill defines reckless disregard as “conduct that a reasonable person knew or should have known at the time such services were provided would likely result in injury so as to affect the life or health of another, taking into account the extent or serious nature of the prevailing circumstances.”

Finally, the bill provides that a person who registers with a county emergency management agency as a temporary provider of temporary housing, food, water, or electricity for emergency first responders or their immediate family members is presumed to have acted in good faith in providing such housing, food, water, or electricity.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 38-0; House 118-0*

**Committee on Military Affairs, Space,  
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**CS/HB 465 — Florida Veterans' Hall of Fame**

by Health Care Appropriations Subcommittee; and Rep. Harrell and others (CS/CS/SB 520 by Governmental Oversight and Accountability Committee; Military Affairs, Space, and Domestic Security Committee; and Senators Bennett, Gaetz, Sachs, Altman, and Richter)

The bill establishes the Florida Veterans Hall of Fame (Hall of Fame) in an effort to recognize and honor military veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida. The bill requires the Department of Management Services to set aside an area on the Plaza Level of the Capitol Building for the placement of the Hall of Fame.

In addition, the bill directs the Florida Department of Veterans' Affairs to annually accept nominations of persons to be considered for induction in the Hall of Fame and transmit its recommendations to the Governor and Cabinet who will select the nominees to be inducted.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 116-0*

**Committee on Military Affairs, Space,  
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**CS/SJR 592 — Veteran's Property Tax Discount**

by Budget Committee and Senators Bennett, Sachs, Altman, Richter, and Gaetz

The joint resolution proposes an amendment to s. 6, Art. VII of the State Constitution to expand the eligibility of the combat-related disabled veterans' homestead property tax discount to include those veterans who were not Florida residents when they entered the military. If the joint resolution is adopted, a disabled veteran age 65 or older applying for the discount will no longer be required to provide proof that he or she was a Florida resident at the time of entering the United States military, but would still need to prove that the disability was combat-related and that he or she was honorably discharged. A disabled veteran who qualifies for this homestead property tax discount receives a discount equal to the veteran's percentage of disability, as determined by the United States Department of Veterans Affairs.

Section 32 is added to Art. XII of the State Constitution to provide that if adopted by the voters, the expanded eligibility for the combat-related disabled veterans' homestead property tax exemption shall take effect January 1, 2013.

If approved by 60 percent of persons voting in the November 2012 General Election, these provisions will take effect on January 1, 2013.

*Vote: Senate 38-0; House 117-0*

**Committee on Military Affairs, Space,  
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**SB 652 — Liability of Spaceflight Entities**

by Senators Simmons and Altman

The bill saves from repeal s. 331.501, F.S., which provides spaceflight entities with immunity from liability for the loss, damage, or death of a participant resulting from the inherent risks of spaceflight activities. Section 331.501, F.S., was created in 2008 in an effort to provide additional incentives to encourage private spaceflight companies to locate in Florida. The bill also extends the existing liability protections to include space-related manufactures and suppliers that have been approved by the Federal Aviation Administration.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 38-0; House 115-0*



**Committee on Military Affairs, Space,  
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**CS/HB 663 — State Forests**

by Agriculture and Natural Resources Appropriations Subcommittee; and Rep. Steube and others (SB 850 by Senators Hays and Altman)

The bill directs the Division of Forestry within the Department of Agriculture and Consumer Services to designate one or more areas on state forest lands as a “Wounded Warrior Special Hunt Area” to provide special outdoor recreational opportunities exclusively for disabled veterans and servicemembers. The bill limits admittance to these designated areas to: an active duty member of any branch of the United States Armed Forces who has a combat-related injury; a veteran who served during a period of wartime or peacetime service and has a service-connected disability; and an individual accompanying an eligible veteran or servicemember to assist him or her in using such designated areas.

The Friends of State Forests Program created under s. 589.012, F.S., will fund the required specialized accommodations needed to establish the “Wounded Warrior Special Hunt Areas.”

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 118-0*

## Committee on Military Affairs, Space, And Domestic Security

### **CS/CS/HB 1141 — Ad Valorem Tax Exemption/Deployed Servicemembers**

by Finance and Tax Committee; Community and Military Affairs Subcommittee; and Rep. Steube and others (CS/CS/SB 1502 by Budget Committee; Military Affairs, Space, and Domestic Security Committee; and Senators Simmons, Dean, and Altman)

The bill implements an amendment (Amendment 2) to s. 3, Art. VII of the State Constitution, which was approved by voters in the November 2010 General Election. The constitutional amendment provides an additional homestead property tax exemption for a member or former member of the United State military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receives a homestead exemption and was deployed in the previous year on active duty outside the continental United States, Alaska, or Hawaii in support of a designated military operation. The exempt amount is based upon the taxable value of the homestead of the servicemember on January 1 of the year in which the exemption is sought multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year and divided by the number of days in that year.

The bill designates that servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn are eligible for the exemption.

The bill requires the Department of Military Affairs to annually submit to the Legislature a report of all known and unclassified military operations outside the continental United States, Alaska, or Hawaii for which servicemembers based in the continental United States have been deployed during the previous calendar year.

The bill also provides procedures to claim the exemption, in which a servicemember, or a qualified designee, must file an application for exemption with the property appraiser on or before March 1 of the year following the year of the qualifying deployment. The bill requires the Department of Revenue (DOR) to prescribe a form for the application of the exemption and also permits DOR to adopt emergency rules to administer the provisions in the bill.

In addition, the bill provides procedures for property appraisers to apply or deny the partial ad valorem tax exemption.

Finally, the bill provides special provisions relating to the implementation of the tax exemption for the 2010 calendar year, in which the exemption will be applied to the ad valorem tax rolls for 2011. The deadline for eligible servicemembers to claim the additional tax exemption for a qualifying deployment during the 2010 calendar year is June 1, 2011.

If approved by the Governor, these provisions take effect upon becoming law, and first apply to ad valorem tax rolls for 2011.

*Vote: Senate 38-0; House 116-0*

**Committee on Military Affairs, Space,  
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**HB 1165 — Driver's Licenses and Identification Cards**

by Rep. Holder and others (SB 1190 by Senators Detert, Richter, Benacquisto, Evers, Montford, Braynon, Lynn, Storms, Latvala, Diaz de la Portilla, Norman, Garcia, Fasano, Altman, Simmons, Gaetz, Thrasher, Hill, Siplin, Bennett, Sachs, and Hays)

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to provide a veteran of the United States Armed Forces the option to receive a capital "V" to be displayed on his or her driver's license or identification card to signify veteran status. In order to receive a capital "V" on either of these documents, a veteran must present his or her DD Form 214 (a "Certificate of Release or Discharge from Active Duty," promulgated by the United States Department of Defense) to the DHSMV, along with an additional \$1 fee.

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 39-0; House 113-0*