

MILITARY AFFAIRS

CS/SB 116 — Robert A. Wise Military Protection Act

by Commerce Committee and Senators Atwater, Pruitt, Bennett, Fasano, Haridopolos, Baker, Jones, Lawson, Argenziano, Deutch, Alexander, Aronberg, Bullard, Carlton, Constantine, Crist, Dawson, Diaz de la Portilla, Dockery, Gaetz, Garcia, Geller, Hill, Joyner, Justice, King, Lynn, Margolis, Oelrich, Peaden, Posey, Rich, Ring, Saunders, Siplin, Storms, Villalobos, Webster, Wilson, and Wise

The bill is named for Robert A. Wise, a member of the Florida National Guard, who died while serving in Operation Iraqi Freedom. The bill amends s. 540.08, F.S., to prohibit the unauthorized use of the name or image of a member of the armed forces for the purpose of trade or for any commercial or advertising purpose. The bill provides that a court may impose a civil penalty of up to \$1,000 per violation and defines “member of the armed forces” as an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States, the Florida National Guard, and the United States Reserve Forces. In addition, the definition includes any officer or enlisted member who died as a result of injuries sustained in the line of duty.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 117-0

CS/SB 412 — Education/Children of POWs and MIAs

by Military Affairs and Domestic Security Committee and Senators Baker, Lynn, and Crist

The bill amends s. 295.015, F.S., to extend educational opportunity benefits at state expense to the dependent children of Florida resident parents who have been declared prisoners of war (POWs) or missing in action (MIA) since the Vietnam era. The bill includes the dependent children of parents who have been classified as a POW or MIA while serving in the Armed Forces of the United States or in the capacity of civilian personnel captured while serving with the consent or authorization of the United States Government. The bill reduces the parent’s Florida residency requirement from five years to one year prior to the event that caused the parent to be classified as a POW or MIA.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 113-1

CS/HB 517 — Financial Responsibility for Motor Vehicles

by Jobs and Entrepreneurship Council and Rep. Evers (SB 854 by Senator Baker)

The bill amends s. 324.021, F.S., to provide for an exemption, for United States Armed Forces members and their dependent spouses, from providing proof of financial responsibility relating to ownership or operation of a motor vehicle. To qualify for the exemption, the servicemember must be serving on active duty outside the state or outside the United States and the vehicle must be primarily maintained at the place of posting. The servicemember's dependent spouse must reside at the servicemember's place of posting in order to also qualify for the exemption. The exemption applies only as long as the servicemember is on active duty outside the state and the owner complies with the security requirements of the state or any possession or territory of the United States where the member is posted.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 118-0

SB 1448 — Service Members/Dependent Assistance Program

by Military Affairs and Domestic Security Committee and Senator Crist

The bill amends s. 250.5206, F.S. Pursuant to this section, assistance funds may be awarded to eligible family members and dependents of a member of the Florida National Guard or of the United States Reserve Forces personnel in the event of a qualified family emergency. For family members to be eligible, the service member must be a Florida resident who is deployed on active duty in support of the Global War on Terrorism. The bill provides for a specified deadline of 120 days after the service member returns from eligible active duty to apply for these benefits.

The bill also provides for a semi-annual review and an annual audit of the program to be conducted by the Department of Military Affairs' inspector general.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 117-0

VETERANS AFFAIRS

CS/CS/SB 156 — Veterans Defined Wartime Service

by Governmental Operations Committee; Military Affairs and Domestic Security Committee; and Senator Geller

The bill adds Operation Enduring Freedom and Operation Iraqi Freedom to the list of qualifying military campaigns or expeditions found in s. 1.01(14), F.S. The section defines certain terms including the term "veteran." By including these operations in the statute, veterans who have served honorably during Operations Enduring Freedom and/or Iraqi Freedom, but have not met the criteria for award of a campaign medal, would qualify for wartime service veterans' benefits.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 115-0

HB 699 — Veterans' Public Employment Preference

by Rep. Sachs and others (CS/SB 728 by Governmental Operations Committee and Senators Fasano, Baker, and Bullard)

The bill repeals s. 295.101, F.S. The section limits the use of an employment preference for veterans once the veteran has initially been employed by the state or any agency of a political subdivision in the state. The effect of this bill will be to extend the eligibility for veterans' employment preference throughout a veteran's state or local government career.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 40-0; House 111-0

CS/CS/SB 1630 — U. S. Marine Corps License Plate Fee

by Governmental Operations Committee; Military Affairs and Domestic Security Committee; and Senators Hill, Dockery, and Lynn

The bill amends s. 320.08058, F.S., to modify the formula for the distribution of annual use fees generated by the U. S. Marine Corps specialty license plate. Under this bill, the first \$50,000 collected annually is distributed to the Marine Corps Scholarship Foundation, Inc. Of the remaining fees collected, 35 percent are distributed to the State Homes for Veterans Trust Fund and 65 percent are distributed to the Marine Corps Scholarship Foundation. The Foundation is required to spend all of the Marine Corps specialty plate fees distributed to it on programs in Florida.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 119-0

EMERGENCY PREPAREDNESS

CS/HB 211 — Hurricane Preparedness Sales Tax Exemption

by Economic Expansion and Infrastructure Council and Rep. Nehr and others (CS/CS/SB 92 by General Government Appropriations Committee; Finance and Tax Committee; and Senators Baker, Fasano, Haridopoulos, Wilson, Lynn, and Aronberg)

The bill (Chapter 2007-25, L.O.F.) creates an unnumbered section of Florida Statutes and provides for a sales tax exemption period for the purchase of items typically associated with hurricane preparedness. The sales tax exemption period extends from June 1, 2007 through June 12, 2007. Items covered by the exemption include:

- Any portable, self-powered light source selling for \$20 or less;
- Any portable self-powered radio, two-way radio, or weather-band radio selling for \$75 or less;
- Any tarpaulin or flexible waterproof sheeting selling for \$50 or less;
- Any ground anchor system or tie-down kit selling for \$50 or less;
- Any gas or diesel fuel tank selling for \$25 or less;
- Any package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile or boat batteries, selling for \$30 or less;
- Any cell phone battery selling for \$60 or less or any cell phone charger selling for \$40 or less;
- Any non-electric food-storage cooler selling for \$30 or less;
- Any portable generator used to provide light, communications, or preserve food in the event of a power outage selling for \$1,000 or less;
- Any storm shutter device selling for \$200 or less (“storm shutter device” is defined as materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms);
- Any carbon monoxide detector selling for \$75 or less;
- Any reusable ice selling for \$10 or less; and
- Any single product consisting of two or more of the items listed above selling for \$75 or less.

These provisions were approved by the Governor and took effect on April 30, 2007.

Vote: Senate 40-0; House 114-0

DOMESTIC SECURITY

SB 886 — Public Records/Building Plans and Drawings

by Military Affairs and Domestic Security Committee and Senator Bullard

The bill reenacts and amends s. 119.071(3)(b), F.S. This section provides a public records disclosure exemption for building plans, blueprints, schematic drawings, and diagrams which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility or other structure owned or operated by an agency as defined in s. 119.011, F.S. The exemption applies to draft, preliminary, and final formats of such plans. The bill makes the exemption permanent and reorganizes the section to clarify the exemption.

If approved by the Governor, these provisions take effect October 1, 2007.

Vote: Senate 40-0; House 117-0

FRS EQUITY DIVESTITURE (IRAN AND SUDAN)

CS/SB 2142 — Protecting Florida’s Investments Act

by Governmental Operations Committee and Senators Deutch, Pruitt, Joyner, Rich, Gaetz, Wilson, Atwater, Margolis, Aronberg, Baker, Bullard, Storms, Hill, Alexander, Argenziano, Bennett, Carlton, Constantine, Crist, Dawson, Diaz de la Portilla, Dockery, Fasano, Garcia, Geller, Haridopolos, Jones, Justice, King, Lawson, Lynn, Oelrich, Peaden, Posey, Ring, Saunders, Siplin, Villalobos, Webster, and Wise

The bill creates ss. 215.442 and 215.473, F.S. The bill provides a series of legislative findings relative to current conditions in the countries of Sudan and Iran. The bill also requires the State Board of Administration (SBA) to perform certain tasks related to the “Public Fund” that may result in the Florida Retirement System divesting itself of equity holdings of companies doing business in Sudan and Iran.

Findings

The bill references declarations by the U.S. Congress, the U.S Secretary of State, and the U.S. President regarding Sudan and Iran.

With respect to Sudan, the bill recognizes and finds that:

- Sudan is designated as a State Sponsor of Terror and that the U.S. government has applied trade sanctions against Sudan for its ongoing actions;
- The U. S. Congress has declared that “the atrocities unfolding in Darfur, Sudan are genocide”; and
- It is the prerogative of the State of Florida not to participate in ownership or in a capital-providing capacity with entities that provide significant practical support for genocide, including certain non-U.S. companies currently doing business in Sudan.

With respect to Iran, the bill recognizes and finds that:

- The United Nations (UN) Security Council has imposed sanctions on Iran due to its failure to suspend uranium-enrichment activities;
- The UN Security Council has imposed an embargo on Iranian arms exports which is a freeze on assets abroad of an expanded list of individuals and companies involved in Iran’s nuclear and ballistic missile programs;
- Iran is subject to sanctions pursuant to the Iran and Libya Sanctions Act of 1996 (PL 104-172); and

- Investing in publicly traded companies having ties to Iran’s petroleum-energy section places funds managed by the SBA at substantial financial risk.

Therefore:

- It is the responsibility of the State of Florida to decide how, where, and by whom financial resources in its control should be invested;
- Divestment from markets that are vulnerable to embargo, loan restrictions, and sanctions from the United States and the international community, including the UN Security Council, is in accordance with the rules of prudence; and
- This act should remain in effect only if it continues to be consistent with and does not unduly interfere with the foreign policy of the United States.

Required Actions

The bill requires the SBA to perform certain tasks related to the “Public Fund.” The Public Fund is defined as all funds, assets, trustees, and other designates under the SBA. To comply with the provisions of this act, the SBA must take the following actions as they apply to companies doing business with Sudan and Iran. The SBA must:

- Make its best effort to identify all scrutinized companies in which the Public Fund has direct or indirect holdings or could possibly have such holdings in the future:
 - The definition of a scrutinized company as it applies to Sudan includes a company with business operations in Sudan with revenues or assets linked to oil-related or power-production activities under certain circumstances, or is complicit in the Darfur genocide, or supplies military equipment within Sudan under certain conditions. A company designated as a “social-development company” that is not complicit in the Darfur genocide is not considered a scrutinized company; and
 - The definition of a scrutinized company as it applies to Iran includes a company with business operations that involve the Government of Iran or companies that have revenues or assets linked to Iran and involve oil-related or mineral-extraction under certain conditions.
- Assemble a list of scrutinized companies that meet the definitions for Sudan and Iran as described in the bill. The list shall be updated quarterly;
- Engage identified companies by providing written notice of their status as a scrutinized company and inform them of the possibility that they may become subject to divestment by the Public Fund;
- Encourage identified companies to cease scrutinized business activities within 90 days or convert such operations to inactive business operations. Companies with inactive business operations are encouraged to refrain from initiating active operations; and

- After 90 days following the Public Fund's first written engagement notice, if the company continues to have scrutinized active business operations, the Public Fund is required to sell, redeem, divest, or withdraw all publicly traded securities of the company. The SBA must complete this action within 12 months after the company's most recent appearance on the Scrutinized Companies List, subject to certain exceptions. If a company with inactive operations resumes active business operations, it is to be added back to the Scrutinized Companies List immediately.

In addition:

- The Public Fund is prohibited from acquiring securities of any company on the Scrutinized Companies List;
- The divestment provisions do not apply to indirect holdings in actively managed investment funds. The Public Fund is required to send letters to the managers of such funds requesting that they consider removing those companies from the fund or create an alternative fund. If an alternate fund is created, the Public Fund is required to replace all applicable funds with the new fund;
- The Public Fund must provide the Scrutinized Companies List, within 30 days of its creation, to each member of the Board of Trustees of the SBA, the President of the Senate, and the Speaker of the House of Representatives. At each quarterly meeting of the Board of Trustees thereafter, the Public Fund must file a report including a summary of correspondence with scrutinized companies and all investments divested in compliance with the act. This report shall also be distributed to the U.S. Presidential Special Envoy to Sudan and to the U.S. Presidential Special Envoy to Iran;
- The act expires if certain conditions are met as specified in the bill. These conditions include:
 - A Congressional or Presidential declaration that the Government of Sudan has ceased attacks on civilians, that the genocide in Darfur has been halted for at least 12 months, and that all sanctions imposed against the Government of Sudan have been revoked; and
 - A Congressional or Presidential declaration that the Government of Iran has ceased to acquire weapons of mass destruction and that all sanctions against the Government of Iran are revoked.
- The Public Fund may cease divesting or reinvest in certain scrutinized companies if the value of all assets under management by the Public Fund becomes equal to or less than 99.50 percent, or 50 basis points, of the hypothetical value of all assets under management assuming no divestment had occurred. Such activities require an additional report to the Board of Trustees of the SBA, the President of the Senate, and the Speaker of the House of Representatives; and
- The act includes a severability clause.

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

Vote: Senate 39-0; House 118-0

DARFUR

SM 1698 — Peace for the People of Darfur

by Senators Margolis, Pruitt, Rich, Deutch, Ring, Bennett, Storms, Atwater, Aronberg, Posey, Bullard, Hill, Lawson, King, Wilson, Baker, Carlton, Diaz de la Portilla, Dockery, Fasano, Gaetz, Geller, Haridopolos, Jones, Joyner, Justice, Lynn, Oelrich, Peaden, Saunders, Siplin, Webster, Wise, Alexander, Constantine, Crist, and Dawson

The memorial expresses the sentiment of the Florida Legislature and urges the President and the Congress of the United States to do all in their power to further the goals expressed in the memorial in order to bring lasting peace to the people of Darfur. The memorial supports the principles set forth in the Addis Ababa Agreement of November 17, 2006 in order to increase security and stability for the people of Darfur. Further, the memorial:

- Declares that the peacekeeping force laid out in the Addis Ababa Agreement is the minimum acceptable level of effort on the part of the international community;
- Supports strengthening of the African Union peacekeeping mission in Sudan;
- Calls for the Government of Sudan to immediately allow implementation of the Addis Ababa Agreement and United Nations Security Council Resolution 1706;
- Calls upon all parties to the conflict to observe a ceasefire and allow unfettered access to the region by humanitarian agencies;
- Urges the President of the United States to continue to work with members of the international community to facilitate the implementation of the Addis Ababa Agreement, ensure the ability of any peacekeeping force deployed to Darfur to carry out its mission, vigorously pursue strong punitive action against persons responsible for crimes against humanity, and make all necessary efforts to address the widespread incidents of gender-based violence in Darfur; and
- Calls for the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the Florida delegation to the United States Congress to:
 - Provide necessary funding and support for UN and African Union peacekeeping operations in Darfur;
 - Provide necessary funding and support for humanitarian aid in Darfur and affected areas in Chad and the Central African Republic;
 - Conduct sufficient oversight of actions by the US administration to ensure that no opportunities for furthering the peace are missed;
 - Continue to monitor the conflict and political processes; and

- Examine imposing punitive sanctions against the Government of Sudan and any other individual or group obstructing the ongoing peace process or violating agreed-upon cease fires.

Vote: Senate 36-0; House 118-0

