



Economic Development & Tourism Subcommittee

MEETING PACKET

**Wednesday, March 5, 2014
4:00 PM – 5:00 PM
12 HOB**

**Will Weatherford
Speaker**

**Carlos Trujillo
Chair**

Committee Meeting Notice
HOUSE OF REPRESENTATIVES

Economic Development & Tourism Subcommittee

Start Date and Time: Wednesday, March 05, 2014 04:00 pm
End Date and Time: Wednesday, March 05, 2014 05:00 pm
Location: 12 HOB
Duration: 1.00 hrs

Consideration of the following bill(s):

HB 209 Carrying Concealed Weapon or Concealed Firearm by Fitzenhagen

HB 399 Pub. Rec./Homelessness Surveys and Databases by Powell

HB 749 Florida Tourism Hall of Fame by La Rosa

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Tuesday, March 4, 2014.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, March 4, 2014.

NOTICE FINALIZED on 03/03/2014 12:08 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 209 Carrying Concealed Weapon or Concealed Firearm

SPONSOR(S): Fitzenhagen and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Criminal Justice Subcommittee	12 Y, 1 N	Cunningham	Cunningham
2) Economic Development & Tourism Subcommittee		Collins DC	West RW
3) Judiciary Committee			

SUMMARY ANALYSIS

Section 790.01, F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon or electric weapon or device on or about his or her person. Carrying a concealed firearm is a third degree felony. These criminal penalties do not apply to:

- A person licensed to carry a concealed weapon or firearm; or
- A person carrying the following in a concealed manner for purposes of lawful self-defense:
 - Self-defense chemical spray; or
 - A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

The bill creates an additional exception in s. 790.01, F.S., specifying that the statute's criminal penalties do not apply to:

- A person who carries a concealed weapon or firearm on or about his or her person while complying with a mandatory evacuation order issued during a state of emergency declared by the Governor.

On January 30, 2014, the Criminal Justice Impact Conference determined that this bill will have an insignificant positive prison bed impact on the Department of Corrections. The bill may also have a positive jail bed impact.

The bill is effective July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 790.01, F.S., makes it a first degree misdemeanor¹ for a person to carry a concealed weapon² or electric weapon or device³ on or about his or her person. Carrying a concealed firearm⁴ is a third degree felony^{5,6}. These criminal penalties do not apply to:

- A person licensed to carry a concealed weapon or firearm pursuant to s. 790.06, F.S.;⁷ or
- A person carrying the following in a concealed manner for purposes of lawful self-defense:
 - Self-defense chemical spray;⁸ or
 - A nonlethal stun gun or dart-firing stun gun⁹ or other nonlethal electric weapon or device that is designed solely for defensive purposes.¹⁰

Effect of the Bill

The bill creates an additional exception in s. 790.01, F.S., specifying that the statute's criminal penalties do not apply to:

- A person who carries a concealed weapon or firearm on or about his or her person while complying with a mandatory evacuation¹¹ order issued during a state of emergency declared by the Governor pursuant to ch. 252, F.S.¹²

The bill does not alter any laws relating to when a person may lawfully use force or *where* a person may lawfully carry a weapon or firearm.

B. SECTION DIRECTORY:

Section 1. Amends s. 790.01, F.S., relating to carrying concealed weapons.

¹ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

² Section 790.001(3)(a), F.S., defines "concealed weapon" as any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon carried on or about a person in such a manner as to conceal the weapon from the ordinary sight of another person.

³ Section 790.001(14), F.S., defines "electric weapon or device" as any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

⁴ Section 790.001(2), F.S., defines "concealed firearm" as any firearm which is carried on or about a person in such a manner as to conceal the firearm from the ordinary sight of another person. Section 790.001(6), F.S., defines "firearm" as any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

⁵ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. Sections 775.082 and 775.083, F.S.

⁶ Section 790.01(2), F.S.

⁷ Section 790.06, F.S., sets forth the requirements for obtaining a concealed weapon and concealed firearms license.

⁸ Section 790.001(3)(b), F.S., defines "self-defense chemical spray" as a device carried solely for purposes of lawful self-defense that is compact in size, designed to be carried on or about the person, and contains not more than two ounces of chemical.

⁹ Section 790.001(15), F.S., defines "dart-firing stun gun" as any device having one or more darts that are capable of delivering an electrical current.

¹⁰ Section 790.01(3) and (4), F.S.

¹¹ As part of his or her emergency management powers, the Governor is authorized to direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if she or he deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery. Section 252.36(5)(e), F.S.

¹² Section 252.36(2), F.S., provides that a state of emergency shall be declared by executive order or proclamation of the Governor if she or he finds an emergency has occurred or that the occurrence or the threat thereof is imminent. The state of emergency shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.

Section 2. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have any impact on state revenues.

2. Expenditures:

On January 30, 2014, the Criminal Justice Impact Conference determined that this bill will have an insignificant positive prison bed impact on the Department of Corrections.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have any impact on local government revenues.

2. Expenditures:

Section 790.01, F.S., makes it a first degree misdemeanor for a person to carry a concealed weapon or electric weapon or device on or about his or her person. The bill creates an additional exception to this statute, which could have a positive jail bed impact.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to carrying a concealed weapon or a
 3 concealed firearm; amending s. 790.01, F.S.; providing
 4 an exemption from criminal penalties for carrying a
 5 concealed weapon or a concealed firearm when complying
 6 with a mandatory evacuation order during a declared
 7 state of emergency; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 790.01, Florida Statutes, is amended to
 12 read:

13 790.01 Carrying concealed weapons or concealed firearms.—

14 (1) Except as provided in subsection (3) ~~(4)~~, a person who
 15 carries a concealed weapon or electric weapon or device on or
 16 about his or her person commits a misdemeanor of the first
 17 degree, punishable as provided in s. 775.082 or s. 775.083.

18 (2) Except as provided in subsection (3), a person who
 19 carries a concealed firearm on or about his or her person
 20 commits a felony of the third degree, punishable as provided in
 21 s. 775.082, s. 775.083, or s. 775.084.

22 (3) This section does not apply to:

23 (a) A person licensed to carry a concealed weapon or a
 24 concealed firearm pursuant to the provisions of s. 790.06.

25 (b) A person who carries a concealed weapon or a concealed
 26 firearm on or about his or her person while complying with a

27 mandatory evacuation order issued during a state of emergency
 28 declared by the Governor pursuant to chapter 252.

29 ~~(c)(4)~~ ~~It is not a violation of this section for~~ A person
 30 who carries ~~to carry~~ for purposes of lawful self-defense, in a
 31 concealed manner:

32 1.(a) A self-defense chemical spray.

33 2.(b) A nonlethal stun gun or dart-firing stun gun or
 34 other nonlethal electric weapon or device that is designed
 35 solely for defensive purposes.

36 ~~(4)(5)~~ This section does not preclude any prosecution for
 37 the use of an electric weapon or device, a dart-firing stun gun,
 38 or a self-defense chemical spray during the commission of any
 39 criminal offense under s. 790.07, s. 790.10, s. 790.23, or s.
 40 790.235, or for any other criminal offense.

41 Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Economic Development &
 2 Tourism Subcommittee
 3 Representative Fitzenhagen offered the following:

Amendment

Remove line 25 and insert:

(b) A person who carries a concealed weapon or a person who may lawfully possess a firearm and who carries a concealed

10

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 399 Pub. Rec./Homelessness Surveys and Databases
SPONSOR(S): Powell
TIED BILLS: IDEN./SIM. BILLS: SB 516

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee		Collins DC	West RW
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill creates a public records exemption for "individual identifying information" contained within a Point-In-Time Count or in a Homeless Management System (HMIS) that could directly or indirectly identify a specific person, be manipulated to identify a specific person, or be linked with other available information to identify a specific person. The bill does not preclude the release of information in the aggregate contained within a Point-In-Time Count or Homeless Management System that does not disclose individual identifying information of a person.

The bill provides for repeal of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature. In addition, the bill provides a statement of public necessity as required by the State Constitution.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date upon becoming law.

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Public policy regarding access to government records is addressed in Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature may provide by general law for the exemption of records and meetings from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

The Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision; or
- protects trade or business secrets.

Homelessness Point-In-Time Surveys

A Point-in-Time Count provides a count of sheltered and unsheltered homeless persons. Counts are further broken down into subpopulation categories of persons who are chronically homeless, persons with severe mental illness, chronic substance abusers, veterans, persons with HIV/AIDS, and victims of domestic violence.³ Data collected through these counts is managed through a HMIS, a software application designed to record and store client-level information on the characteristics and service needs of homeless persons. An HMIS is typically a web-based software application that homeless assistance providers use to coordinate care, manage their operations, and better serve their clients.⁴ The U.S. Department of Housing and Urban Development's (HUD) Homelessness Data Exchange allows local homeless Continuums of Care (CoC) to submit data directly from their local HMIS to the department.⁵

¹ Art. I, s. 24(c), Fla. Const.

² Section 119.15, F.S.

³ *Homelessness Data Exchange*; U.S. Department of Housing and Urban Development; (can be found at: <http://www.hudhdx.info/>) last accessed on February 8, 2014.

⁴ *Homeless Assistance*; U.S. Department of Housing and Urban Development; (can be found at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/homeless) last accessed on February 8, 2014

⁵ *Homelessness Data Exchange*; U.S. Department of Housing and Urban Development; (can be found at: <http://www.hudhdx.info/>) last accessed on February 8, 2014.

Homeless Continuums of Care in Florida

CoC Overview

A local CoC is a framework for a comprehensive and seamless array of emergency, transitional, and permanent housing, and services to address the various needs of the homeless and those at risk of homelessness.⁶ The purpose of a CoC is to help communities or regions envision, plan, and implement comprehensive and long-term solutions in a community or region.⁷

The Department of Children and Families (DCF) interacts with the state's 28 CoCs through the Office of Homelessness (Office), which serves as the state's central point of contact on homelessness. The Office is responsible for coordinating resources and programs across all levels of government, and with private providers that serve the homeless. It also manages targeted state grants to support the implementation of local homeless service CoC plans.⁸ The Office has recognized and designated local entities to serve as lead agencies for local planning efforts to create homeless assistance CoC systems. The Office has made these designations in consultation with the local homeless coalitions and the Florida offices of HUD.

The CoC model creates a framework for a comprehensive array of emergency, transitional, and permanent housing, and supportive services to address the varying needs of persons who are homeless or at risk of becoming homeless. These are community-based plans and are reflective of unique conditions in each local area. The purpose of the local CoC is to help communities envision, plan, and implement coordinated, long-term solutions to address homelessness.⁹

The CoC planning effort is an ongoing process that addresses all subpopulations of the homeless. Participation of all interested individuals and organizations is encouraged, including those who are or have been homeless. Faith-based organizations are encouraged to participate, along with state and regional offices that administer mainstream program resources such as Medicaid, food stamps, employment assistance, welfare assistance, and mental health services.¹⁰

The development of a local CoC plan is a prerequisite to applying for federal housing grants through HUD. The plan also makes the community eligible to compete for the state's Challenge Grant and Homeless Housing Assistance Grant.¹¹

A model CoC should include the following:¹²

- outreach, intake, and assessment to link housing and services to the needs of those who are homeless;
- services and resources to prevent housed persons from becoming homeless or returning to homelessness;
- emergency sheltering as a safe alternative to living on the streets;
- transitional housing to move persons toward permanent housing solutions;
- permanent housing to end episodes of homelessness; and

⁶ Section 420.624(1), F.S.

⁷ Section 420.624(2), F.S.

⁸ *Homelessness*; Florida Department of Children and Families; (can be found at: <http://www.myflfamilies.com/service-programs/homelessness>) last accessed on February 8, 2014.

⁹ *Lead Agencies*; Florida Department of Children and Families; (can be found at: <http://www.myflfamilies.com/service-programs/homelessness/lead-agencies>) last accessed on February 8, 2014.

¹⁰ Ibid.

¹¹ *Lead Agencies*; Florida Department of Children and Families; (can be found at: <http://www.myflfamilies.com/service-programs/homelessness/lead-agencies>) last accessed on February 8, 2014.

¹² Ibid.

- supportive services designed to assist the person with necessary skills to secure and retain permanent housing.

CoCs and the Point-In-Time Count

HUD requires that the CoCs conduct an annual count of the homeless persons who are sheltered in emergency shelters, transitional housing, and safe havens on a single night during the last ten days of January. Further, HUD requires that the CoCs must conduct a count of the unsheltered homeless population every other year on odd numbered years. For 2013, the state's 28 CoCs carried out both the sheltered and unsheltered counts. The goal is to produce an unduplicated, statistically reliable count and estimate of the homeless in the community.¹³

The intent is to identify those men, women, and children who meet HUD's definition of a homeless person. This is limited to:¹⁴

- those living in a publicly or privately operated shelter providing temporary living arrangements;
- those persons whose primary nighttime residence is a public or private place not intended to be used as an accommodation for human beings, such as a car, park, abandoned building, or camping ground;
- a person who is exiting from an institution, where he or she lived for 90 days or less, and who was otherwise homeless immediately prior to entering that institution;
- a person who is fleeing from a domestic violence situation; or
- a person who will lose their primary nighttime residence within 14 days, no subsequent dwelling has been found, and the individual lacks the resources to obtain permanent housing.

The count is undertaken on a single day and night. The federally approved methods include a report of all homeless persons counted, or a statistically valid sampling to arrive at the unduplicated estimate of the homeless. The unsheltered count methods typically are street counts, street counts with interviews, or screening, and interviewing persons at supportive service agencies such as soup kitchens where the homeless seek help.¹⁵

For the 28 CoC planning areas reporting in 2013, the total number of sheltered and unsheltered homeless persons was 45,364. The 2012 number of homeless persons was 54,972 for these 28 planning areas.¹⁶

Effect of Proposed Changes

The bill creates a public records exemption for individual identifying information of persons contained in a Point-In-Time Count and Survey or data within a HMIS collected pursuant to 42 U.S.C. chapter 119, subchapter IV, and related regulations provided in 24 C.F.R. part 91.

The bill defines "individual identifying information" as information that identifies a specific person either directly or indirectly, can be manipulated to identify a specific person, or can be linked with other available information to identify specific a person.

The bill provides for repeal of the exemption on October 2, 2019, unless reviewed and saved from repeal by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.¹⁷

¹³ 2013 Report; Florida Council on Homelessness; (can be found at: <http://www.dcf.state.fl.us/programs/homelessness/docs/2013CouncilReport.pdf>) last accessed on February 8, 2014.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Section 249(c), Art. I of the State Constitution

B. SECTION DIRECTORY:

Section 1: Creates s. 420.6231, F.S., creating an exemption from public record requirements for individual identifying information gathered pursuant to certain federally-authorized homelessness data collection programs.

Section 2: Provides a statement of public necessity.

Section 3: Provides an effective date upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This 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.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 420.6231, F.S.; creating a public records exemption
 4 for individual identifying information of a person
 5 contained in a Point-In-Time Count and Survey or data
 6 in a Homeless Management Information System; defining
 7 the term "individual identifying information";
 8 providing for retroactive application of the
 9 exemption; specifying that the exemption does not
 10 preclude the release of aggregate information;
 11 providing for future legislative review and repeal of
 12 the exemption; providing a statement of public
 13 necessity; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 420.6231, Florida Statutes, is created
 18 to read:

19 420.6231 Individual identifying information in specified
 20 homelessness surveys and databases; public records exemption.-

21 (1) As used in this section, the term "individual
 22 identifying information" means information that directly or
 23 indirectly identifies a specific person, can be manipulated to
 24 identify a specific person, or can be linked with other
 25 available information to identify a specific person.

26 (2) Individual identifying information of a person

27 | contained in a Point-In-Time Count and Survey or data in a
 28 | Homeless Management Information System collected pursuant to 42
 29 | U.S.C. chapter 119, subchapter IV, and related regulations
 30 | provided in 24 C.F.R. part 91, is exempt from s. 119.07(1) and
 31 | s. 24(a), Art. I of the State Constitution. This exemption
 32 | applies to such information held before, on, or after the
 33 | effective date of this section.

34 | (3) This section does not preclude the release in the
 35 | aggregate of information from a Point-In-Time Count and Survey
 36 | or data in a Homeless Management Information System which does
 37 | not disclose individual identifying information of a person.

38 | (4) This section is subject to the Open Government Sunset
 39 | Review Act in accordance with s. 119.15 and shall stand repealed
 40 | on October 2, 2019, unless reviewed and saved from repeal
 41 | through reenactment by the Legislature.

42 | Section 2. The Legislature finds that it is a public
 43 | necessity that individual identifying information of a person
 44 | contained in a Point-In-Time Count and Survey or data in a
 45 | Homeless Management Information System collected pursuant to 42
 46 | U.S.C. chapter 119, subchapter IV, and related regulations
 47 | provided in 24 C.F.R. part 91, be made exempt from public
 48 | records requirements. Pursuant to 42 U.S.C. s. 11363, the
 49 | Secretary of Housing and Urban Development is required to
 50 | instruct service providers not to disclose personally
 51 | identifying information about any client for purposes of the
 52 | Homeless Management Information System, which includes Point-In-

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53 | Time Count and Survey information. The public release of such
54 | sensitive information could lead to discrimination against or
55 | ridicule of such individuals and could make them reluctant to
56 | seek assistance for themselves or their family members. The
57 | public release of such information may put affected individuals
58 | at greater risk of injury as a significant proportion of such
59 | individuals are survivors of domestic violence or suffer from
60 | mental illness or substance abuse. Additionally, public access
61 | to such information may put affected individuals at a heightened
62 | risk for fraud and identity theft. The harm from disclosing such
63 | information outweighs any public benefit that can be derived
64 | from widespread and unfettered access to such information. This
65 | exemption is narrowly drawn so that aggregate information which
66 | does not disclose individual identifying information of a person
67 | from the Point-In-Time Count and Survey and data in a Homeless
68 | Management Information System collected pursuant to 42 U.S.C.
69 | chapter 119, subchapter IV, and related regulations provided in
70 | 24 C.F.R. part 91, may be disclosed.

71 | Section 3. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 749 Florida Tourism Hall of Fame
SPONSOR(S): La Rosa
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 398

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee		Davy DKD	West RW
2) Economic Affairs Committee			

SUMMARY ANALYSIS

In 2001, the Florida Tourism Industry Marketing Corporation (VISIT Florida) established the Florida Tourism Hall of Fame to recognize persons, living or dead, whose work in the tourism industry has made significant contributions to the economic climate in Florida.

HB 749 codifies the Florida Tourism Hall of Fame in statute. VISIT Florida will continue to administer the Hall of Fame without appropriation of state funds. The Department of Management Services (DMS) must set aside an area on the Plaza Level of the Capitol Building for the Hall of Fame and consult with VISIT Florida regarding the design and theme of the area.

The bill is expected to have an indeterminate, but insignificant fiscal impact.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

VISIT Florida

VISIT Florida is a direct-support organization of Enterprise Florida, Inc. (EFI), and is a not for profit corporation. VISIT Florida is organized and operated exclusively to request, receive, hold, invest, and administer property, and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state that relate to the statewide, national, and international promotion and marketing of tourism.¹ The corporation's board of directors is composed of 31 tourism industry-related members who are appointed by EFI.²

Tourism Hall of Fame

According to VISIT Florida,³ individuals have been chosen annually since 2001 to be inducted into the Florida Tourism Hall of Fame. The honor recognizes "contemporary and historic figures whose vision, creativity and drive have had a positive and significant impact on the development of Florida as a desirable visitor destination."⁴ In 2001, eight individuals were inducted into the Florida Tourism Hall of Fame "Founders Club," including Walt Disney and Henry Flagler. Since 2001, 30 additional individuals have been inducted into the Florida Tourism Hall of Fame.

Tourism in Florida

In year 2012-2013, the Florida tourism industry made substantial contributions to the state's economy and labor market. The industry welcomed 91.5 million out-of-state and international visitors who spent \$71.8 billion. Florida tourism directly employed 1,087,700 Floridians. The tourism industry invested \$18.7 million in VISIT Florida co-op programs to promote the state as a tourism destination worldwide.⁵

Halls of Fame – Capitol Complex

Other Florida Halls of Fame displayed in the Capitol include:

- the Florida Women's Hall of Fame;⁶
- the Florida Veterans' Hall of Fame;⁷
- the Florida Artists Hall of Fame;⁸ and
- the Florida Civil Rights Hall of Fame.⁹

Effect of Proposed Changes

This bill creates s. 265.004, F.S., establishing the Florida Tourism Hall of Fame to recognize persons, living or dead, whose work in the tourism industry has made significant contributions to the economic climate in Florida. VISIT Florida will administer the Florida Tourism Hall of Fame without appropriation

¹ Section 288.1226 (2), F.S.

² Section 288.1226 (4), F.S.

³ VISIT Florida is the fictitious name for the Florida Tourism Industry Marketing Corporation. See s. 288.1226(5)(c), F.S.

⁴ VISIT Florida website, <http://visitflorida.org/awards-honorees/florida-tourism-hall-of-fame/> (last visited February 20, 2014).

⁵ VISIT Florida 2012-2013 Annual Report, pg. 24, available at <http://visitflorida.org/media/4722/yearinreview2013.pdf>.

⁶ Section 265.001, F.S.

⁷ Section 265.003, F.S.

⁸ Section 265.2865, F.S.

⁹ Section 760.065, F.S.

of state funds. DMS must set aside an area on the Plaza Level of the Capitol Building for the Florida Tourism Hall of Fame and consult with VISIT Florida regarding the design and theme of the area.

The bill requires VISIT Florida to annually accept nominations and to establish selection criteria and timeframes for induction into the Florida Tourism Hall of Fame. VISIT Florida must give selection preference to the nominees who were born in Florida or adopted Florida as their home state, and have made a significant contribution to the state's travel and tourism industry. VISIT Florida may establish a formal induction ceremony to coincide with the annual Governor's Conference on Tourism.

The bill provides that each person who is inducted into the Florida Tourism Hall of Fame will have his or her name, image, discipline or contribution, and vital information placed on a plaque displayed in a designated area of the Capitol Building.

Any person inducted into the Florida Tourism Hall of Fame administered by VISIT Florida before July 1, 2014, will remain in the Hall of Fame.

B. SECTION DIRECTORY:

Section 1: Creates s. 265.004, F.S., establishing the Florida Tourism Hall of Fame, designating location for the display of inductee plaques, and providing procedures for nomination, selection, and induction of members.

Section 2: Provides the effective date July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill is expected to have an indeterminate, but insignificant fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires the Florida Tourism Hall of Fame to be administered by VISIT Florida without appropriation of state funds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to the Florida Tourism Hall of Fame;
 3 creating s. 265.004, F.S.; providing legislative
 4 intent; establishing the Florida Tourism Hall of Fame;
 5 providing for administration by the Florida Tourism
 6 Industry Marketing Corporation; designating a location
 7 for the display of inductee plaques; providing
 8 procedures for nomination, selection, and induction of
 9 members; providing that a person inducted before a
 10 certain date remains in the Hall of Fame; providing an
 11 effective date.

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

15 Section 1. Section 265.004, Florida Statutes, is created
 16 to read:

17 265.004 Florida Tourism Hall of Fame.—

18 (1) It is the intent of the Legislature to recognize and
 19 honor those persons, living or dead, who through their work
 20 within the tourism industry have made significant contributions
 21 to the economic climate and the well-being of the residents of
 22 this state.

23 (2) There is established the Florida Tourism Hall of Fame.

24 (a) The Florida Tourism Hall of Fame is administered by
 25 the Florida Tourism Industry Marketing Corporation without
 26 appropriation of state funds.

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27 (b) The Department of Management Services shall set aside
28 an area on the Plaza Level of the Capitol Building and shall
29 consult with the Florida Tourism Industry Marketing Corporation
30 regarding the design and theme of the area.

31 (c) Each person who is inducted into the Florida Tourism
32 Hall of Fame shall have his or her name and image placed on a
33 plaque displayed in the designated area of the Capitol Building,
34 which plaque shall designate the member's discipline or
35 contribution and any vital information relating to the member.

36 (3) The Florida Tourism Industry Marketing Corporation
37 shall establish selection criteria for induction into the
38 Florida Tourism Hall of Fame and shall annually accept
39 nominations.

40 (a) In selecting its nominees for submission to the board
41 of directors of the corporation, the corporation shall give
42 preference to tourism industry leaders who were born in Florida
43 or adopted Florida as their home state and who have made a
44 significant contribution to the state's travel and tourism
45 industry.

46 (b) The corporation may establish criteria and set
47 specific timeframes for the acceptance and consideration of
48 nominations and may establish a formal induction ceremony to
49 coincide with the annual Governor's Conference on Tourism.

50 (c) A person inducted into the Florida Tourism Hall of
51 Fame administered by the corporation before July 1, 2014, shall
52 remain in the Florida Tourism Hall of Fame.

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53 | Section 2. This act shall take effect July 1, 2014. |