

Veteran & Military Affairs Subcommittee

Meeting Packet

Tuesday, February 17, 2015 3:30 pm – 5:30 pm 12 HOB

Steve Crisafulli Speaker Jimmie Smith Chair



The Florida House of Representatives Veteran & Military Affairs Subcommittee

Steve Crisafulli Speaker Jimmie Smith Chair

Meeting Agenda Tuesday, February 17, 2015 Room 12, House Office Building 3:30 p.m. – 5:30 p.m.

- I. Call to Order
- II. Roll Call
- III. Welcome and Opening Remarks
- IV. Consideration of the Following Bill(s):

CS/HB 277 - by Business & Professions Subcommittee and Hager

V. Presentation(s):

Florida Veterans Foundation – Update on the Veterans' Memorial Garden and Veterans' Walk of Honor

VI. Adjournment

CS/HB 277

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 277 Public Lodging Establishments SPONSOR(S): Business & Professions Subcommittee; Hager and others TIED BILLS: IDEN./SIM. BILLS: SB 394

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	13 Y, 0 N, As CS	Butler	Luczynski
2) Veteran & Military Affairs Subcommittee		Renner	Kiner KLK
3) Regulatory Affairs Committee		0.	7

SUMMARY ANALYSIS

With parental consent, an individual may join one of the military branches upon reaching the age of 17. Florida has 29 military bases throughout the state and over 100,000 military personnel are stationed in Florida.

While being employed by the military, or when traveling for military and personal purposes, these individuals will sometimes be required to procure accommodations at a public lodging establishment in the State of Florida. In some cases, public lodging establishments in Florida restrict renting to individuals over a certain age, with restrictions in place as high as 25 years of age.

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card or Common Access Card (CAC).

Duplication of the presented military identification card is prohibited by this bill.

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

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Division of Hotels and Restaurants (Division) within the Department of Business and Professional Regulation (Department) is the state agency charged with enforcing the provisions of ch. 509, F.S., and all other applicable laws relating to the inspection and regulation of public lodging establishments¹ and public food service establishments for the purpose of protecting the public health, safety, and welfare.

Section 509.092, F.S., allows an operator of a public lodging establishment to refuse accommodations or services to any person who is "objectionable or undesirable to the operator; however, such refusal may not be based upon race, creed, color, sex, physical disability, or national origin." Notably, operators may refuse to accommodate a person based on age, and many hotels set a minimum age requirement for renting, in some circumstances up to 21 or 25 years of age.²

Types of Military Identification Cards

Common Access Cards (CAC)

A CAC card³ is the standard identification for active duty uniformed service personnel. Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.⁴ This card is also used to access buildings and controlled spaces, and it provides access to DoD computer networks and systems.⁵ There are four different types of CAC cards. The use of the card depends on the component/Command that an individual supports and each component/Command can customize the CAC card to meet its specific needs.⁶

Uniformed Services ID Card

A Uniformed Services ID Card⁷ (commonly referred to as a military id card) is ONLY for military retirees or active duty military family members. The card allows access to various military service benefits or privileges.⁸ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.9

Effect of the Bill

The bill requires a public lodging establishment classified as a hotel, motel, or bed and breakfast inn to waive any minimum age policy it may have that restricts accommodations to individuals based on age for individuals who are currently on active duty as a member of the United States Armed Forces, the

http://traveltips.usatoday.com/minimum-age-requirement-renting-hotel-rooms-61923.html.

¹ See s. 509.242, F.S., for public lodging establishment classifications.

² Lisa Fritscher, Minimum Age Requirement for Renting Hotel Rooms, USATODAY (last visited Jan. 22, 2015),

³ An example of a CAC card can be found on the Department of Defense website on Common Access Cards, *available at* http://www.cac.mil/common-access-card/

Department of Defense website on Common Access Cards, (last visited February 9, 2015) available at http://www.cac.mil/commonaccess-card

Id. ⁶ Id.

⁷ An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, available at http://www.cac.mil/uniformed-services-id-card/

⁸ Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) available at http://www.cac.mil/uniformed-services-id-card/

National Guard, Reserve Forces, or Coast Guard and who present a valid military identification card or common access card (CAC card). This includes individuals who are currently 17 and who have joined a military branch with parental consent.

Duplication of the presented military identification card is prohibited by this bill.

Accommodations at public lodging establishments are a form of either express or implied contract, and generally such establishments require the individual who is renting to be of legal age to form a contract.¹⁰ Individuals who are under the age of 18 are able to form contracts; however, these contracts are generally seen as voidable by the minor.¹¹

In such cases, it is unclear whether a minor who has not prepaid must fulfill his or her contractual obligations if he or she attempts to void the contract after the accommodations have been provided, but before payment is made. The public lodging establishment may require prepayment as a prerequisite for providing accommodations to a minor.

B. SECTION DIRECTORY:

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Section 1 creates s. 509.095, F.S., requiring waiver of age requirements for individuals with a valid military identification card or a Common Access Card.

Section 2 provides an effective date of July 1, 2015.

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.

¹¹ Orange Motors of Miami, Inc. v. Miami Nat. Bank, 227 So. 2d 717, 718 (Fla. 3d DCA 1969). STORAGE NAME: h0277b.VMAS.DOCX

¹⁰ See, e.g., Rabon v. Inn of Lake City, Inc., 693 So. 2d 1126, 1132 (Fla. 1d DCA 1997) (stating absent an express contract, "the law implies that the innkeeper contracts to furnish services . . . ").

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:

10.0

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

As noted above, a Uniformed Services ID Card is only used by veterans or active duty military family members. Common Access Cards are the standard identification for active duty uniformed service personnel. The intent of CS/HB 277 is to require a public lodging establishment to waive age restrictions for individuals who are currently on active duty as a member of the United States Armed Forces, the National Guard, Reserve Forces, or Coast Guard. Thus, requiring proof of a Uniformed Services ID Card does not appear to be consistent with the bill's intent.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 3, 2015, the Business & Professions Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments clarified that the type of identification used in this bill included a valid military identification card or CAC card by an individual on active duty for the United States Armed Forces, National Guard, Reserve Forces, or Coast Guard.

The amendments also clarified that a public lodging establishment must waive their minimum age policy, and that duplication of a military identification card presented is prohibited.

The staff analysis is drafted to reflect the committee substitute.

FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 277

2015

1	A bill to be entitled
2	An act relating to public lodging establishments;
3	creating s. 509.095, F.S.; requiring specified public
4	lodging establishments to waive certain policies for
5	individuals who present a valid military
6	identification card; prohibiting duplication of
7	military identification cards; providing an effective
8	date.
9	
10	Be It Enacted by the Legislature of the State of Florida:
11	
12	Section 1. Section 509.095, Florida Statutes, is created
13	to read:
14	509.095 Accommodations at public lodging establishments
15	for individuals with a valid military identification cardUpon
16	the presentation of a valid military identification card or
17	Common Access Card by an individual who is currently on active
18	duty as a member of the United States Armed Forces, National
19	Guard, Reserve Forces, or Coast Guard, and who seeks to obtain
20	accommodations at a hotel, motel, or bed and breakfast inn, as
21	defined in s. 509.242, such hotel, motel, or bed and breakfast
22	inn shall waive any minimum age policy that it may have which
23	restricts accommodations to individuals based on age.
24	Duplication of military identification cards and Common Access
25	Cards presented pursuant to this section is prohibited.
26	Section 2. This act shall take effect July 1, 2015.

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

hb0277-01-c1

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 277 (2015)

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	

Committee/Subcommittee hearing bill: Veteran & Military Affairs

Subcommittee

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4 5

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3 Representative Hager offered the following:

Amendment

Remove lines 16-25 and insert:

7 the presentation of a valid military identification card by an

8 individual who is currently on active duty as a member of the

9 United States Armed Forces, National Guard, Reserve Forces, or

10 Coast Guard, and who seeks to obtain accommodations at a hotel,

11 motel, or bed and breakfast inn, as defined in s. 509.242, such

12 hotel, motel, or bed and breakfast inn shall waive any minimum

13 age policy that it may have which restricts accommodations to

14 individuals based on age. Duplication of a military

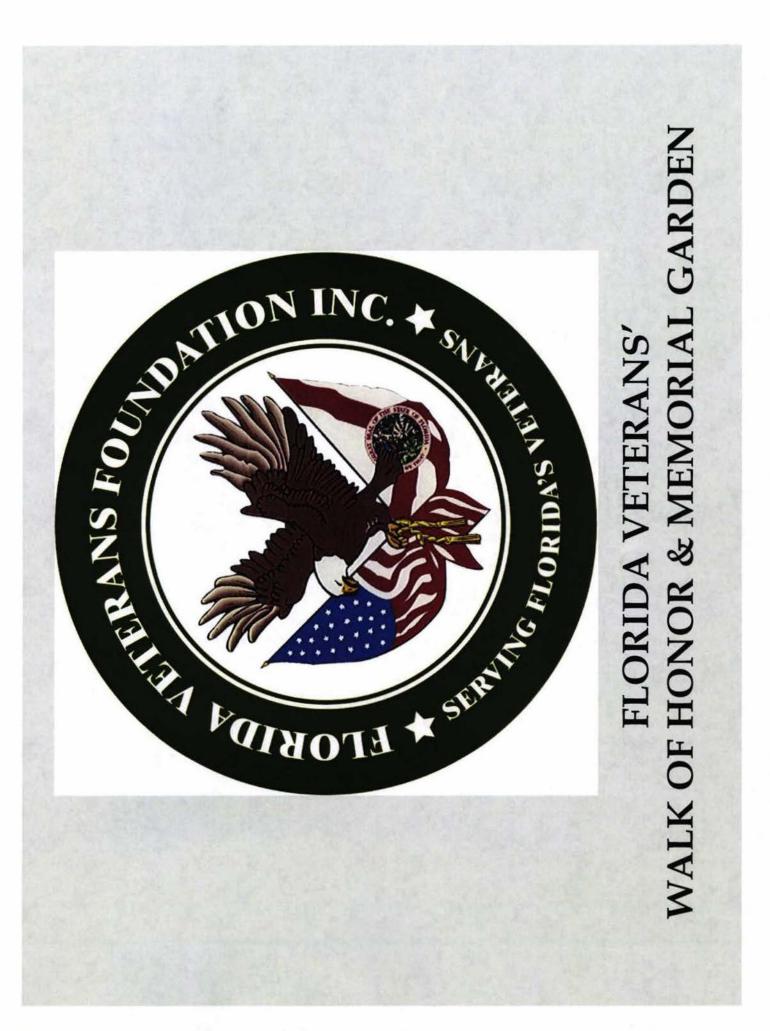
15 identification card presented pursuant to this section is

16 prohibited.

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Florida Veterans Foundation



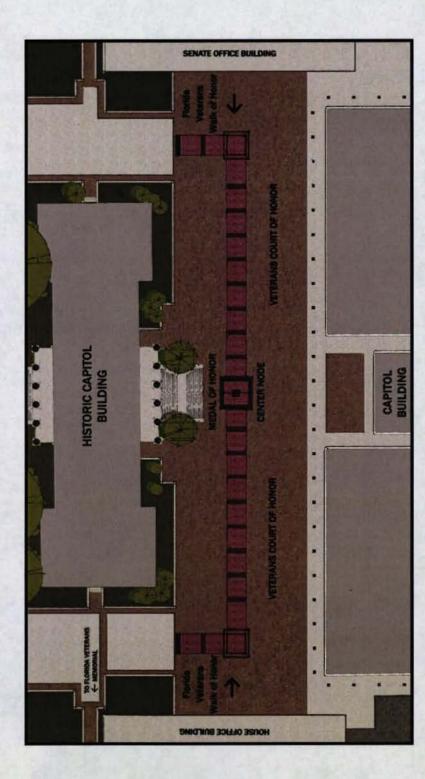
FLORIDA VETERANS' MEMORIAL GARDEN ARTIST RENDERING





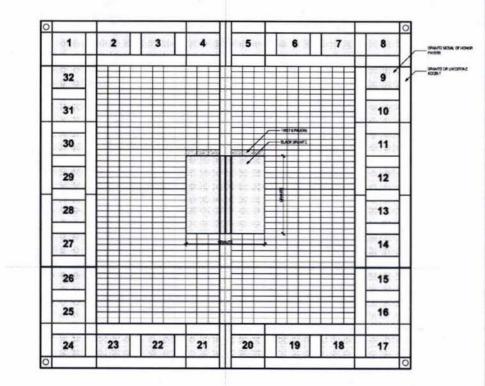


FLORIDA VETERANS' WALK OF HONOR





MEDAL OF HONOR CENTER NODE

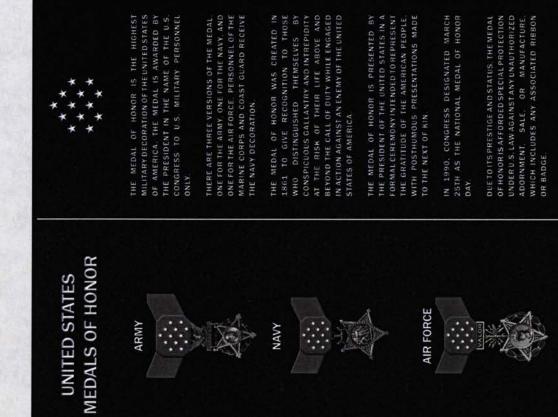








MEDAL OF HONOR ENGRAVED GRANITE





MEDAL OF HONOR CONSTRUCTION COSTS

(Cost For Medal	of Honor Cent	er Node		
Item	Number	Cost Per	Installation Per	Total Per	Overall
Engraved Bricks	1548	\$16.00	\$4.90	\$20.90	\$32,353.20
MOH Pavers-Engraved	26	\$390.00	\$35.00	\$425.00	\$11,050.00
MOH Pavers Plain	6	\$240.00	\$35.00	\$275.00	\$1,650.00
MOH Center Pieces	2	\$1,926.00	\$70.00	\$1,996.00	\$3,992.00
MOH Small Center Pieces 3 - 5/8" x 4' 7 -5/8"	2	\$195.00	\$20.00	\$215.00	\$430.00
Inside Corner Granite 7 -5/8" x 7 - 5/8"	4	\$50.00	\$10.00	\$60.00	\$240.00
Flag Pole Holders 7 -5/8" x 7 - 5/8" Corners	4	\$200.00	\$50.00	\$250.00	\$1,000.00
Administrative + Shipping Granite	1				\$2,500.00
				Total Overall	\$53,215.20

Med	dal of Honor I	ncome, Expense	s & Profit
Income	1548	\$200.00	\$309,600.00
Expenses	Section 19	in the second	\$53,215.20
Profit	1 Sector	1	\$256,384.80



WALK OF HONOR CONSTRUCTION COSTS

Item	Number	Cost Per	Installation Per	Total Per	Overall
Walk of Honor less center node	23,480.00	\$16.00	\$4.90	\$20.90	\$490,732.00
Income	23,480	\$150.00			\$3,522,000.00
Expenses	23,480	\$20.90	and the second	ALC: NO.	\$490,732.00
Total Profit	1200 24 1				\$3,031,268.00

VETERANS' COURT OF HONOR CONSTRUCTION COSTS

Item	Number	Cost Per	Installation Per	Total Per	Overall
Veterans Court of Honor	175,000	\$16.00	\$4.90	\$20.90	\$3,657,500.00
Income	175,000	\$125.00	San and the second	1.57	\$21,875,000.00
Expenses	175,000	\$20.90			\$3,657,500.00
Total Profit					\$18,217,500.00

OVERALL TOTALS

Overall Income	\$25,706,600.00
Overall Construction Expenses	\$4,201,447.20
Overall Profit	\$21,505,152.80



Florida Veterans' Memorial Garden and Walk of Honor Status Report

Background

A proposal was made by the Florida Veterans Foundation on 22 October, 2013 to the Florida Department of Veterans' Affairs (FDVA) and the Department of Management Services (DMS), to propose legislation to create a Florida Veterans' Memorial on the grounds of the House Office Building garden area, and a Florida Veterans' Walk of Honor in the courtyard area between the Old Capitol and New Capitol.

Legislative History

Legislation (House Bill 7015) was passed by the Florida Legislature during the 2014 legislative session and signed into law by Governor Scott on 31 March 2014, (s.265.0031, F.S.), authorizing the Florida Veterans Foundation to plan, design, and construct the Florida Veterans' Memorial Garden and Florida Veterans' Walk of honor. It directs DMS, in consultation with the Florida Veterans Foundation to make available space for this purpose.

After surveying the Capital Grounds, it was decided that the most appropriate location for the Memorial Garden and the actual Memorial itself would be between the front of the House office building and Monroe St. Please see slides # 2 & 3. A decision was made to locate the Florida Veterans' Walk of Honor centered between the old and new capitols. Please see slide # 4.

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Original Time Line

The original time line for the construction of the Memorial Garden had to be cancelled due to a DMS emergency program to repair the House Office Building underground parking facility, which included plans to excavate all of the soil in the general area where the Memorial Garden is to be located. This information was learned shortly after the Legislature had approved construction of the Memorial Garden and Walk of Honor. Information received from DMS was that it may be 2017 before the underground garage program is completed. As a result of this information, the Florida Veterans Foundation was forced to change plans for the construction of the Memorial Garden. The original plan was to complete the planning stage by early June, 2014, start construction around 1 July, 2014, complete construction around 15 September, 2014, install ground cover, plants, etc., between 15 September, 2014 and 30 October, 2014, and have the grand opening on 11 November, 2014, in conjunction with Veterans Day.

Planning for the Florida Veterans' Walk of Honor

The first step in planning for the Veterans' Walk of Honor was to choose a final design. This was in conjunction with DMS, architects Lewis & Whitlock, and the Florida Veterans Foundation. A decision between a curved walkway and a straight walkway had to be made. A final decision was made in favor of a straight walkway, which is shown on Slide "4". A decision was also made on the layout of the brick and pavers within the walkway and the Medal of Honor Center Node. Please see Slide "5". A decision had to also be made as to the length and width of the Walk of Honor and where it would begin and end. Please see Slide "4". It is also

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the desire of the Florida Veterans Foundation to extend the walkway of the Veterans' Walk of Honor to the Memorial Garden. Please see Slide "4". We obtained an artist drawing/rendering of the Walk of Honor, and our next step was to obtain architectural construction drawings of the Walk of Honor. We also obtained a brick color scheme to be used throughout the Walk of Honor and the Court of Honor. This decision was made by a committee made up of members of DMS, the Florida Veterans Foundation, and a color match expert from Architects Lewis and Whitlock. Next in the process was making a survey of brick suppliers in order to determine quality, methods of engraving, contrast requirements, warranty of the materials to include shade, fade, cracking, guarantee of color in engraved lettering shipping cost, response time, and cost of finished bricks. We studied brick samples from different companies and were looking for a veteran owned business in this process.

Historical Timeline for Veterans' Walk of Honor:

Start Date	ltem	Completion Date
9 April, 2014	 Planning phase (initial) Roles and responsibilities Design concept for engraved bricks 	1 June, 2014
15 May, 2014	 Met with Sachs Communications regarding advertising for Memorial Garden and Walk of Honor 	Ongoing
21 May, 2014	 Conference call with DMS regarding underlayment of courtyard and measurement of courtyard Started advertising sale of bricks and a timeline for DMS repairs to underground garage 	22 May, 2014
2 June, 2014	 Met with DMS on MOU and a timeline for laying bricks in courtyard 	Ongoing
12 June, 2014	 Received a draft of Walk of Honor concepts from architect 	12 June, 2014
23 June, 2014	 Met with DMS to discuss MOU 	16 Jan., 2015

28 July, 2014	 Memo to DMS requesting information prior to Foundation signing a contract with architect to produce construction drawings for Walk of Honor 	1 Aug., 2014
9 Sept, 2014	 Received letter from architect regarding schematic design which will include architectural site plan and phasing plan, paver details and specifications as required for construction implementation 	9 Sept., 2014
19 Sept., 2014	 Received copy of MOU from DMS for review and comment 	16 Jan., 2015
13 Oct., 2014	 Conferred with architect as to types of pavers in courtyard to include color shade, thickness, etc. Planning for ceremony in courtyard for grand opening and laying of 1st brick 	Completed
15 Oct., 2014	 Sent invitation letter out to attend Grand Opening Ceremony 	Completed
16 Oct., 2014	 Received copy of schematic design drawings for Walk of Honor 	Completed

r		
23 Oct., 2014	 Walk of Honor Committee met to review the construction drawings of the Walk of Honor Much discussion on curved Walk of Honor vs. straight line method Discussed progress of MOU 	Completed
27 Oct., 2014	 Meeting with DMS and architect on construction drawings for Walk of Honor The orthogonal style was selected vs. the curved concept for the Walk of Honor – please see minutes 	Completed
28 Sept., 2014 30 Oct., 2014	 See copy of message traffic between DMS and Foundation representative regarding MOU between DMS and Foundation 	16 Jan., 2015
11 Nov., 2014	 Received construction documents from architect for Walk of Honor 	Completed
12 Nov., 2014	 Ground breaking ceremony for Walk of Honor 	Completed

13 Nov., 2014	 Wrote PSA on results of Grand Opening Ceremony held on 12 Nov., 2014 	Completed
6 Jan., 2015	 Letter from brick company on prices for granite 	Completed
7 Jan., 2015	 Letter from brick company on pricing and confirming measurements for granite 	Completed
20 Jan., 2015	 Correspondence from Cannon Brick regarding prices for granite 	Completed
21 Jan., 2015	 Letter from Cannon regarding narrow center slabs sizes and cost 	Completed

Future Timeline for Veterans' Walk of Honor

Date	Items Started/Accomplished
1 Jan., 2015	 Continue work on memorandum of understanding with DMS MOU shall govern the relationship between the Florida Veterans Foundation and DMS with regards to the construction, operation, management and administration of the Walk and Gardens and related construction/maintenance contract
16 Jan., 2015	Signed MOU received by Florida Veterans Foundation from DMS
1 Jan., 2015	 Continue work with brick supplier on brick selection by type, shade, engraving method, warranty, cost, timeline, etc.
1 Feb., 2015	 Start work with foundation attorney on contract proposal for construction of Medal of Honor Center Node within Walk of Honor
	 Have above contract ready for review no later than 1 April, 2015 by foundation attorney
	 Continue to work on contract proposal for the sale of bricks by 501(c)(3) veterans service organizations
1 March, 2015	 Send brick order to brick supplier
15 April to 1 June, 2015	 Request for bid on contract for construction of Medal of Honor Center Node
	Start construction on memorial
1 May, 2015 to	 Receive engraved bricks and black granite in Tallahassee
15 May 2015	 Proofread names on bricks

21 June, 2015	Complete construction of Medal of Honor Center Node
4 July, 2015	Have dedication ceremony for Medal of Honor Center Node

Income From the Sale of 1,548 Engraved Bricks

Income	\$309,600.00
Expenses (cost of construction of Center Node)	\$53,215.00
Total Profit	\$256,384.80