

<b>Tab 2</b>	<b>SB 96</b> by <b>Cruz (CO-INTRODUCERS) Berman</b> ; Educational Opportunities for Veterans
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<b>Tab 3</b>	<b>SB 352</b> by <b>Hutson</b> ; (Similar to CS/H 00205) Unlawful Use of Uniforms, Medals, or Insignia
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**MILITARY AND VETERANS AFFAIRS AND SPACE**  
**Senator Wright, Chair**  
**Senator Cruz, Vice Chair**

**MEETING DATE:** Wednesday, January 15, 2020  
**TIME:** 8:30—10:00 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

**MEMBERS:** Senator Wright, Chair; Senator Cruz, Vice Chair; Senators Broxson, Gainer, Harrell, Pizzo, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
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**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

**Adjutant General of Florida National Guard**

1	Eifert, James O. ()	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 0
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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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2	<b>SB 96</b> Cruz	Educational Opportunities for Veterans; Defining the term "disabled veteran"; providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive an award for the remaining cost of tuition and fees at state universities and Florida College System institutions, etc.  MS     01/15/2020 Favorable AED AP	Favorable Yeas 7 Nays 0
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3	<b>SB 352</b> Hutson (Similar CS/H 205)	Unlawful Use of Uniforms, Medals, or Insignia; Prohibiting certain misrepresentations concerning military service when made for specified purposes, etc.  MS     01/15/2020 Fav/CS EE RC	Fav/CS Yeas 7 Nays 0
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Other Related Meeting Documents

1575

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Laurel M. Lee, Secretary of State,  
do hereby certify that

*James O. Eifert*

is duly appointed

**Adjutant General of the State of Florida**

for a term beginning on the Second day of April, A.D., 2019, to  
serve at the pleasure of the Governor and is subject to be  
confirmed by the Senate during the next regular session of the  
Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the Thirteenth day of November, A.D., 2019.*



Secretary of State

If photocopied or chemically altered, the word "VOID" will appear

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

The Florida Senate  
**Committee Notice Of Hearing**

IN THE FLORIDA SENATE  
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of  
James O. Eifert  
Adjutant General of Florida National Guard

**NOTICE OF HEARING**

TO: Major General James O. Eifert

YOU ARE HEREBY NOTIFIED that the Committee on Military and Veterans Affairs and Space of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, January 15, 2020, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 8:30 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.  
DATED this the 8th day of January, 2020

Committee on Military and Veterans Affairs and  
Space



\_\_\_\_\_  
Senator Tom A. Wright  
As Chair and by authority of the committee

cc: Members, Committee on Military and Veterans Affairs and Space  
Office of the Sergeant at Arms

# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

County of St. Johns

2019 NOV 12 PM 4:08

DIVISION OF ELECTIONS  
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

The Adjutant General, Florida National Guard

(Title of Office)

on which I am now about to enter, so help me God.

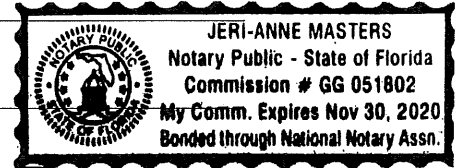
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

James O. Eifert  
Signature

Sworn to and subscribed before me this 5<sup>th</sup> day of November, 2019.

Jeri-Anne Masters  
Signature of Officer Administering Oath or of Notary Public

Jeri-Anne Masters  
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

## ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

PO Box 1008  
Street or Post Office Box  
St. Augustine, Florida 32085  
City, State, Zip Code

James O. Eifert  
Print Name  
James O. Eifert  
Signature

THE FLORIDA SENATE

# COMMITTEE WITNESS OATH

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**CHAIR:**

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

**WITNESS'S NAME:** Maj Gen Eifert

**ANSWER:** "I do"

Pursuant to §90.605(1), Florida Statutes: "The witness's answer shall be noted in the record."

**COMMITTEE NAME:** Senate Committee on Military & Veterans

**DATE:** 15 Jan 2020



THE FLORIDA SENATE

APPEARANCE RECORD

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

1/15/2020

Meeting Date

Bill Number (if applicable)

Topic Confirmation Public Hearing

Amendment Barcode (if applicable)

Name Major General James O. Eifert

Job Title Adjutant General - DMA

Address 82 Marine Street

Phone 850-414-9048

Street

St. Augustine

FL

32399

Email

City

State

Zip

Speaking: [ ] For [ ] Against [x] Information

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

Representing Florida National Guard

Appearing at request of Chair: [x] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [x] No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

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BILL: SB 96

INTRODUCER: Senator Cruz

SUBJECT: Educational Opportunities for Veterans

DATE: January 14, 2020      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 96 grants disabled veterans an education benefit to fully provide for the cost of tuition and fees charged at a public postsecondary academic institution. An award provided in this bill is intended to supplement what is provided to a recipient through the federal Post 9/11 GI Bill to reach a 100 percent payment of tuition and fees.

To qualify, a veteran must have been:

- Determined to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs either identifying the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from the Armed Forces.

Beginning with the 2020-2021 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008 (also known as the Post-9/11 GI Bill), but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees. To qualify under the Post-9/11 GI Bill, a veteran must have served after September 10, 2001, an aggregate minimum of 90 days active duty; been discharged or released for a service-connected disability after serving a minimum 30 consecutive days of active duty; or been designated a Purple Heart recipient. A person who serves less than 36 months is eligible for a reduced benefit, ranging from 40 to 90 percent of the full benefit.



## II. Present Situation:

### Post-9/11 Veterans Educational Assistance Act of 2008

Congress enacted the Post-9/11 Veterans' Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.<sup>1</sup> The Act provides up to 36 months of educational benefits to veterans and servicemembers and their dependent children.<sup>2</sup>

At the time of its passage:

It was recognized that veterans and servicemembers would be eligible for U.S. Department of Education (ED) student financial aid benefits such as Pell Grants and Stafford Loans; U.S. Department of Defense (DOD) educational assistance; and various state, local, and other federal benefits in addition to the basic Post-9/11 GI Bill Benefits.<sup>3</sup>

To qualify for a benefit under the Act, a veteran or servicemember must:

- Serve an aggregate minimum of 90 days active duty after September 10, 2001, and continue serving or be honorably discharged;
- Have been honorably discharged or released for a service-connected disability after serving a minimum 30 continuous days on active duty after September 10, 2001; or
- Be a Purple Heart recipient for service after September 10, 2001.<sup>4</sup>

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service. Duration of service as it relates to the maximum benefit payable by percentage currently includes<sup>5</sup>:

<b>Number of Months Served</b>	<b>Percentage of Maximum Benefit Payable</b>
At least 36 months of active duty	100
At least 30 continuous days active duty and discharged due to service-connected disability	100
Between 30 and up to 36 months active duty	90
Between 24 and up to 30 months active duty	80
Between 18 and up to 24 months active duty	70
Between 12 and up to 18 months active duty	60
Between 6 and up to 12 months active duty	50
Between 90 days and up to 6 months active duty	40

<sup>1</sup> Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended.

<sup>2</sup> In addition to tuition and fees, educational benefits include payment for housing, books, and supplies.

<sup>3</sup> *Id.* at 1. At that time, members of Congress hoped that a benefit exceeding amounts available under the other GI Bills would mitigate the higher unemployment rate amongst veterans in contrast to non-veterans of the same age group.

<sup>4</sup> U.S. Dept. of Veterans Affairs, *Post-9/11 GI Bill*, available at <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited Dec. 5, 2019).

<sup>5</sup> Section 3313(c), 122 STAT. 2365.

For Fiscal Year 2018, The Congressional Research Service estimates that almost 800,000 individuals benefitted from the Act, at an expense exceeding \$12 billion.<sup>6</sup>

### III. Effect of Proposed Changes:

This bill provides an education benefit to certain disabled veterans to increase what is provided from the Post-9/11 GI bill for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

- Determined by the United States Department of Veterans Affairs to have a service-connected 100-percent total and permanent disability rating for compensation;
- Determined to have a service-connected total and permanent disability rating of 100 percent and have received disability retirement pay from a branch of the United States Armed Services; or
- Issued a valid identification card by the state Department of Veterans' Affairs which identifies the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation; or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2020-2021 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100-percent eligibility tier federally, is eligible for an award of tuition and fees. The award amount is equal to the amount that is the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended.

The bill provides that a disabled veteran who receives this award must remain compliant with other statutory requirements applying to veterans and other students who receive educational benefits.<sup>7</sup>

The bill takes effect July 1, 2020.

### IV. Constitutional Issues:

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

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

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<sup>6</sup> Congressional Research Service, *The Post-9/11 GI Bill: A Primer* (Aug. 1, 2018); available at <https://fas.org/sgp/crs/misc/R42755.pdf>.

<sup>7</sup> Section 295.03, F.S., requires the withdrawal of benefits for a veteran who violates the ordinary and minimum requirements of the institution on discipline and scholarship. Section 295.04(4), F.S., requires a veteran to be in good standing with the institution to receive an educational benefit. Section 295.05, F.S., requires a veteran receiving benefits to be enrolled according to the customary rules and requirements of the institution. Section 1009.40, F.S. provides general requirements for a student (veteran or nonveteran) to be eligible for state financial aid and tuition assistance grants.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

The bill will reduce the costs of tuition, fees, and other education benefits for qualifying veterans.

**C. Government Sector Impact:**

The Board of Governors and the State Board of Education may need to amend, respectively an existing regulation and rule. The fiscal impact of this bill on reduced tuition and fee collections is indeterminate due to the lack of sufficient data on disabled veterans who would qualify for and receive both the GI Bill benefit and this benefit.<sup>8</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 295.011 of the Florida Statutes.

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<sup>8</sup> The Board of Governors of the State University System, *2020 Legislative Bill Analysis, SB 96* (July 1, 2020) (on file with the Senate Committee on Military and Veterans Affairs and Space).

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

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By Senator Cruz

18-00145-20

202096\_\_

1 A bill to be entitled  
 2 An act relating to educational opportunities for  
 3 veterans; creating s. 295.011, F.S.; defining the term  
 4 "disabled veteran"; providing that disabled veterans  
 5 receiving certain federal educational assistance  
 6 benefits are eligible to receive an award for the  
 7 remaining cost of tuition and fees at state  
 8 universities and Florida College System institutions;  
 9 specifying applicability of other laws; providing an  
 10 effective date.

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

12 Section 1. Section 295.011, Florida Statutes, is created to  
 13 read:

14 295.011 Disabled veterans; education.—

15 (1) As used in this section, the term "disabled veteran"  
 16 means an individual who is a resident of this state and is:

17 (a) Determined by the United States Department of Veterans  
 18 Affairs to have a service-connected 100-percent total and  
 19 permanent disability rating for compensation;

20 (b) Determined to have a service-connected total and  
 21 permanent disability rating of 100 percent and is in receipt of  
 22 disability retirement pay from any branch of the United States  
 23 Armed Services; or

24 (c) Issued a valid identification card by the Department of  
 25 Veterans' Affairs in accordance with s. 295.17.

26 (2) Beginning with the 2020-2021 academic year, a disabled  
 27 veteran who receives a tuition benefit to attend a state  
 28  
 29

Page 1 of 2

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

18-00145-20

202096\_\_

30 university or a Florida College System institution under the  
 31 Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L.  
 32 No. 110-252, but who does not qualify for the 100-percent  
 33 eligibility tier under federal law, is eligible for an award for  
 34 tuition and fees which is equal to the amount that is the  
 35 difference between the portion of tuition and fees paid in  
 36 accordance with federal law and the full amount of tuition and  
 37 fees at the institution attended.

38 (3) Sections 295.03, 295.04, 295.05, and 1009.40 apply to  
 39 any disabled veteran who receives an award under this section.

40 Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Tom Wright, Chair  
Committee on Military and Veterans Affairs and Space

**Subject:** Committee Agenda Request

**Date:** August 16, 2019

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I respectfully request that **Senate Bill #96**, relating to Educational Opportunities for Veterans, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Janet Cruz", written over a horizontal line.

Senator Janet Cruz  
Florida Senate, District 18

**2020 LEGISLATIVE BILL ANALYSIS**

<b>Bill Number:</b> SB 96	<b>Bill Title:</b> Educational Opportunities for Veterans
<b>Sponsor(s):</b> Senator Cruz	<b>Effective Date:</b> July 1, 2020
<b>Companion Bill Number:</b>	
<b>Companion Bill Sponsor(s):</b>	
<b>Policy Analyst(s):</b> Lynda Page	<b>Fiscal Analyst(s):</b> Dale Bradley

**EXECUTIVE SUMMARY**

Section 1 creates Section 295.011, Florida Statutes, including:

Defines a “disabled veteran” as a resident of Florida and:

- (1) Determined by the United States Department of Veterans Affairs to have a service-connected 100-percent total and permanent disability rating for compensation
- (2) Determined to have a service-connected total and permanent disability rating of 100-percent and is in receipt of disability retirement pay from any branch of the United States Armed Services
- (3) Issued a valid identification card by the Department of Veteran’s Affairs in accordance with s. 295.17

Provides that a disabled veteran who does not qualify for the 100 percent eligibility tier under the Post-9/11 Veterans Educational Assistance Act of 2008 would be eligible for an award for tuition and fees which is equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.

**CURRENT SITUATION AND EFFECT OF PROPOSED CHANGES**

**CURRENT SITUATION**

The Florida Department of Veteran Affairs notes that based on fiscal 2017 demographic information from the Veteran Administration’s Veteran Population Projection Model 2016, there are 177,494 Post-9/11 veterans in the state of Florida.

<http://floridavets.org/our-veterans/profilefast-facts/>

There is no information on how many of these veterans have a service-related disability and are interested in attending a postsecondary institution in Florida.

Section 1009.21, Florida Statutes, provides requirements for the determination of resident status for tuition purposes. Students must meet the specified requirements to be considered a Florida resident, paying tuition and fees at the in-state rate. Specified requirements include, but are not limited to, providing specified documents showing legal ties to Florida and verifying physical presence in Florida for the twelve months immediately before the first date of enrollment as an in-state resident. Postsecondary institutions are responsible for determining residency for tuition purposes.

Some veterans have a service-connected 100% disability that requires their length of service shortened. Those veterans would not currently receive a 100% maximum benefit.

The Florida Department of Education Office of Student Financial Assistance provides Scholarships for Children/Spouses of Deceased or Disabled Veterans. There is no state of Florida scholarship for the service-connected 100% disabled veteran.

There are various categories of students, including veterans, who qualify for postsecondary tuition and fee waivers. Details about those fee waivers are found in section 1009.26, Florida Statutes.

#### EFFECT OF PROPOSED CHANGES

Students with a service-related 100% disability who are not qualified for the 100% eligibility tier under federal law will receive an award for tuition and fees equal to the amount of the difference of the portion of tuition and fees paid to the veteran in accordance with federal law and the full amount of tuition and fees at the institution attended. The veteran with a service-connected 100% disability will not have to pay any tuition and fees.

The difference in tuition and fees are to be awarded to the qualified veteran; however, the bill is silent as to who is responsible for such payment. Such payment could possibly come in the form of a tuition and fee waiver or a fiscal award directly to the veteran.

Each award under this requirement will vary in amount due to the unique nature of each veteran's personal situation.

Institutions will need to establish policies and procedures for the administration of this award.

The Board of Governors and the State Board of Education may need to amend their respective regulation and rule if a tuition and fee waiver is established in section 1009.26.



Veterans potentially availing themselves of this new benefit will need to provide the necessary documentation of residency for tuition purposes pursuant to section 1009.21, Florida Statutes. This will delay the benefit to those veterans who have been in the state for less than twelve months or who do not have the necessary documentation.

### **ESTIMATED STUDENT IMPACT**

More students who are veterans with a service-connected 100% disability will have the cost of their tuition and fees covered.

### **FISCAL IMPACT**

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

The proposed legislation would make any 100-percent permanently-disabled veteran as determined and documented by the United States Department of Veteran's Affairs who is a Florida resident and who receives a certain federal post 9/11 tuition benefit for disabled veterans, but does not qualify for a full 100-percent disabled tier amount, eligible for an award equal to the difference between a full 100-percent eligibility tier tuition and fees award and the actual full amount of tuition and fees at the university they attend.

The fiscal impact of this legislation is indeterminable at this time due to the lack of sufficient disabled veterans' status data available to the Board office.

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

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

Institutions will need to establish policies and procedures for the administration of this award.

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

### **ANALYST COMMENTS**

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-15-20

Meeting Date

96

Bill Number (if applicable)

Topic VETERANS EDUCATIONAL OPPORTUNITIES

Amendment Barcode (if applicable)

Name JOHN HAYNES

Job Title TAL, VETERANS LEGAL COLL.

Address 424 HIAWATHA FARMS RD. Street

Phone 850-443-3451

MONTICELLO, FL 32344 City State Zip

Email john2045@comcast.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing \_\_\_\_\_

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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

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

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

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

1/15/20

*Meeting Date*

96

*Bill Number (if applicable)*

Topic Veterans Educational Opportunities

*Amendment Barcode (if applicable)*

Name DAN HENDRICKSON

Job Title President, TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Address 319 EAST PARK AVE

Phone 850 570-1967

*Street*

TALLAHASSEE,

FL

32301

Email danbhendrickson@comcast.net

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

1-15-2020

Meeting Date

96

Bill Number (if applicable)

Topic Educational Opportunities for Veterans

Amendment Barcode (if applicable)

Name Natalie King

Job Title VP/COO

Address 235 W Brandon Blvd 640

Phone 813 924 8218

Brandon FL 33511

City

State

Zip

Email natalie@iscen.com

Speaking:  For  Against  Information

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

Representing United Way Suncoast

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

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

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**BILL:** CS/SB 352

**INTRODUCER:** Military and Veterans Affairs and Space Committee and Senator Hutson

**SUBJECT:** Unlawful Use of Uniforms, Medals, or Insignia

**DATE:** January 16, 2020      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Fav/CS
2.			EE	
3.			RC	

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 352 revises the prohibition on a person misrepresenting himself or herself as a member or veteran of the United States Armed Forces. The bill specifies that the material gain prohibited from unlawfully wearing a military uniform, medals, or insignia, includes obtaining paid employment or public office.

A person who violates this provision commits a third degree felony, punishable by up to 5 years in prison and a \$1,000 fine.

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

The bill takes effect October 1, 2020.

**II. Present Situation:**

A person commits a third degree felony if he or she:

- Misrepresents himself or herself as a member or veteran of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corp, United States Navy, or National Guard; or
- Wears the uniform of or any medal or insignia of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corp, United States Navy, or

National Guard in an unauthorized manner while soliciting for charitable contributions or for the purpose of material gain.<sup>1</sup>

A third degree felony is punishable by up to five years' incarceration and a \$5,000 fine.<sup>2</sup>

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

This bill revises the prohibition on a person misrepresenting himself or herself as a member or veteran of the United States Armed Forces. The bill specifies that the material gain prohibited from unlawfully wearing a military uniform, medals, or insignia, includes obtaining paid employment or public office.

A person who violates this provision commits a third degree felony, punishable by up to 5 years in prison and a \$1,000 fine.

The bill takes effect October 1, 2020.

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

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

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

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

None.

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

None.

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

None.

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

None identified.

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

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

None.

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<sup>1</sup> Section 817.132, F.S.

<sup>2</sup> Section 775.082(3)(e), F.S.; Section 775.083(1)(c), F.S.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Legislature's Office of Economic and Demographic Research (EDR) preliminarily estimates that the bill will have a positive insignificant prison bed impact, meaning an increase of 10 or fewer beds.<sup>3</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 817.312 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Military and Veterans Affairs and Space on January 15, 2020:**

The CS further delineates what is meant by a material gain through misrepresentation as an Armed Forces member or veteran for a professional or political benefit with that of obtaining paid employment or public office.

**B. Amendments:**

None.

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

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<sup>3</sup> Per the Department of Corrections, in FY 18-19, the court sentenced no offenders to prison for a violation of s. 817.312, F.S. Given this, expansion of the statute should not have a significant impact on prison beds (Nov. 5, 2019)(on file with the Senate Committee on Military and Veterans Affairs and Space).



485112

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/15/2020	.	
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	.	
	.	

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The Committee on Military and Veterans Affairs and Space  
(Hutson) recommended the following:

**Senate Amendment**

Delete lines 24 - 26  
and insert:  
while soliciting for charitable contributions or for the purpose  
of material gain, including, but not limited to, obtaining  
employment or public office resulting in receiving compensation.



By Senator Hutson

7-00602-20

2020352\_\_

A bill to be entitled

An act relating to unlawful use of uniforms, medals, or insignia; amending s. 817.312, F.S.; prohibiting certain misrepresentations concerning military service when made for specified purposes; providing criminal penalties; providing an effective date.

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

Section 1. Section 817.312, Florida Statutes, is amended to read:

817.312 Unlawful use of uniforms, medals, or insignia.—

(1) (a) A person may not:

1. Misrepresent himself or herself as a member or veteran of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or National Guard; or

2. Wear the uniform of or any medal or insignia authorized for use by members or veterans of the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, or ~~the~~ National Guard which he or she is not authorized to wear;

while soliciting for charitable contributions, ~~or~~ for the purpose of material gain, or for professional or political benefit.

(b) This subsection ~~section~~ does not prohibit persons in the theatrical profession from wearing such uniforms, medals, or insignia while actually engaged in such profession.

Page 1 of 2

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

7-00602-20

2020352\_\_

(2) A person who violates subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. This act shall take effect October 1, 2020.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Tom Wright, Chair  
Committee on Military and Veterans Affairs and Space

**Subject:** Committee Agenda Request

**Date:** October 16, 2019

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I respectfully request that **Senate Bill #352**, relating to Unlawful Use of Uniforms, Medals, or Insignia, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, reading "Travis Hutson".

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Senator Travis Hutson  
Florida Senate, District 7

## **SB 352 – Unlawful Use of Uniforms, Medals, or Insignia (Identical HB 205)**

This bill amends s. 817.312, F.S., adding further criteria for the unlawful use of uniforms, medals, or insignia. Currently, “a person may not misrepresent himself or herself as a member or veteran of the” armed forces or “wear the uniform of or any medal or insignia authorized for use by members or veterans of the” armed forces “while soliciting for charitable contributions or for the purpose of material gain.” This bill adds “or for professional or political benefit,” expanding the pool of potential offenders under this unranked, 3<sup>rd</sup> degree felony (Level 1 by default).

Per DOC, in FY 18-19, there were no offenders admitted to prison for a violation of s. 817.312, F.S. Given this information, this expansion of the statute should not have a significant effect on prison beds.

**EDR PROPOSED ESTIMATE: Positive Insignificant**

**Requested by: Senate**

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

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

1/15/20

*Meeting Date*

352

*Bill Number (if applicable)*

Topic Veterans Educational Opportunities

*Amendment Barcode (if applicable)*

Name DAN HENDRICKSON

Job Title President, TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Address 319 EAST PARK AVE

Phone 850 570-1967

*Street*

TALLAHASSEE,

FL

32301

Email danbhendrickson@comcast.net

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing TALLAHASSEE VETERANS LEGAL COLLABORATIVE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

# CourtSmart Tag Report

Room: LL 37

Case No.:

Type:

Caption: Senate Military and Veterans Affairs and Space Committee

Judge:

Started: 1/15/2020 8:31:16 AM

Ends: 1/15/2020 8:55:12 AM Length: 00:23:57

8:31:14 AM Meeting called to order by Chair Wright  
8:31:29 AM CAA Lois Graham calls the roll  
8:31:38 AM Quorum announced  
8:31:48 AM Pledge of Allegiance led by Senator Torres  
8:32:14 AM Chair Wright with opening comments  
8:32:39 AM Tab 3 - SB 352 Unlawful Use of Uniforms, Medals, or Insignia by Senator Hutson  
8:32:50 AM Senator Hutson explains the bill  
8:33:25 AM Senator Pizzo with comment  
8:33:36 AM Chair Wright with comments  
8:33:40 AM Senator Cruz with comments  
8:33:43 AM Senator Torres with question  
8:34:10 AM Senator Hutson responds  
8:34:21 AM Senator Cruz with question  
8:34:30 AM Senator Hutson responds  
8:35:14 AM Chair Wright with comments  
8:35:55 AM Late-filed amendment Barcode 485112 by Senator Hutson  
8:36:04 AM Motion to hear late-filed amendment favorable  
8:36:25 AM Senator Hutson explains the amendment  
8:36:30 AM Senator waives closing - amendment adopted  
8:36:51 AM Senator Hutson waives close on bill  
8:37:01 AM Roll call on CS/SB 352  
8:37:09 AM CS/SB 352 is reported favorably  
8:37:17 AM Tab 1 Confirmation of Adjutant General of Florida National Guard  
8:37:46 AM Chair Wright swears in Major General James O. Eifert  
8:37:56 AM Major General Eifert addresses the committee  
8:40:28 AM Senator Harrell with question  
8:40:45 AM Major General Eifert responds  
8:43:01 AM Major General Eifert with closing comments  
8:43:18 AM Motion to confirm Major General Eifert by Senator Torres  
8:43:28 AM Senator Cruz seconds the motion  
8:43:36 AM Chair Wright announces recommendation to confirm  
8:43:44 AM Roll call by CAA  
8:43:49 AM Major General Eifert is recommended for confirmation by Committee  
8:44:04 AM Senator Gainer with comments  
8:44:22 AM Chair Wright with comments  
8:44:28 AM Tab 2 - SB 96 Educational Opportunities for Veterans by Senator Cruz  
8:44:37 AM Senator Cruz explains the bill  
8:46:59 AM Senator Pizzo with question/comments  
8:47:10 AM Senator Cruz responds  
8:47:24 AM Senator Pizzo with comments  
8:47:31 AM Senator Cruz responds  
8:47:46 AM Senator Harrell with question

**8:48:24 AM** Senator Cruz responds  
**8:48:52 AM** Senator Harrell with follow-up  
**8:49:03 AM** Senator Cruz responds  
**8:49:37 AM** Senator Harrell with follow-up  
**8:49:48 AM** Senator Cruz responds  
**8:49:53 AM** Senator Broxson with question  
**8:50:01 AM** Senator Cruz responds  
**8:50:43 AM** Senator Broxson with follow-up  
**8:50:52 AM** Senator Cruz responds  
**8:51:00 AM** Appearance Forms  
**8:51:06 AM** Natalie King, Vice President, Chief Operating Officer, United Way Suncoast, waives in support  
**8:51:18 AM** Dan Hendrickson, President, Tallahassee Veterans Legal Collaborative, waives in support  
**8:51:27 AM** John Haynes, Tallahassee Veterans Legal Collaborative, waives in support  
**8:51:42 AM** Senator Cruz closes on bill  
**8:52:16 AM** Roll call on SB 96  
**8:52:26 AM** SB 96 is reported favorably  
**8:52:40 AM** Chair Wright with comments  
**8:53:25 AM** Senator Broxson with recognition - Captain Pete Hoskins of Pensacola, Florida  
**8:54:44 AM** Chair Wright with comments  
**8:54:46 AM** Senator Torres with comments  
**8:54:56 AM** Senator Torres moves to adjourn - meeting adjourned