

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**MILITARY AND VETERANS AFFAIRS, SPACE, AND**  
**DOMESTIC SECURITY**  
**Senator Altman, Chair**  
**Senator Gibson, Vice Chair**

**MEETING DATE:** Tuesday, February 4, 2014  
**TIME:** 2:00 —4:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Abruzzo, Bullard, Dean, Evers, Gardiner, Legg, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Consideration of proposed committee bills:		
2	<b>SPB 7020</b>	Military and Veterans Affairs; Revising requirements for the Educational Dollars for Duty program developed by the Adjutant General; requiring an Educational Dollars for Duty program applicant to authorize the release of certain information to the Department of Military Affairs; requiring participating institutions to provide specified information to the Department of Military Affairs; authorizing the department to reimburse certain costs and fees; requiring the Adjutant General to adopt rules relating to specified components of the program; authorizing the Department of Veterans' Affairs to allow the nonprofit corporation's use of property, facilities, and personal services, etc.	Submitted as Committee Bill Yeas 6 Nays 0
3	<b>SPB 7022</b>	OGSR/Florida Defense Support Task Force; Amending provisions which provide exemptions from public records and public meetings requirements for certain records and meetings of the Florida Defense Support Task Force; saving the exemptions from repeal under the Open Government Sunset Review Act, etc.	Submitted as Committee Bill Yeas 6 Nays 0
4	<b>SB 486</b> Evers (Identical CS/H 215)	Federal Write-in Absentee Ballot; Authorizing absent uniformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; providing that an eligible elector may vote on any ballot measure in an election using the federal write-in absentee ballot; clarifying that a vote cast in a judicial merit retention election be treated in the same manner as a vote on certain ballot measures, etc.  EE 01/13/2014 Favorable MS 02/04/2014 Favorable	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

**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, Space, and Domestic Security

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BILL: SPB 7020

INTRODUCER: For consideration by the Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: Military and Veterans Affairs

DATE: February 3, 2014      REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Hoagland</u>	<u>Ryon</u>	_____	<b>Submitted as Committee Bill</b>

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**I. Summary:**

SPB 7020 contains provisions on a number of proposals relating to employment, education, services, and benefits for current and former military personnel. In general, the bill:

- Expands the scope of Florida National Guard Education Dollars for Duty program to allow for funds to be used for additional activities and provides for the release of student grade and status information to the Florida Department of Military Affairs;
- Updates a 2008 reference to the U.S. Uniform Code of Military Justice to the 2012 version;
- Creates the Florida Veterans' Walk of Honor and Memorial Garden, to be located on the Capitol Complex grounds, and administered and funded by the Florida Department of Veterans' Affairs' (FDVA) direct support organization;
- Expands the employment preference for positions in state, local and regional governmental entities, including the public education system, to all veterans, current members of the Reserves and the Florida National Guard, and the parents and spouses of servicemembers who died in combat;
- Creates a marketing research and marketing campaign to promote Florida to retired and recently separated military;
- Creates the Veterans Employment and Training Support (VETS) program to connect veterans and businesses, assist veterans in assessing employment skills, provide veterans training grant program, and provide veterans entrepreneur mentoring;
- Creates Florida Is For Veterans, Inc., a nonprofit corporation within the FDVA, to administer the VETS program and the marketing research and campaign efforts;
- Eliminates the one-year Florida residency requirement for entrance into Florida veterans' home and the state's veterans nursing homes; and
- Extends the period in which to waive initial licensing fee within the departments of Business and Professional Regulation and Department of Health from 24 months to 60 months after an honorable discharge from the service. Expands the waiver to include the spouse of the veteran. Also, provides for credit for experience gained in military for a specific license.

## II. Present Situation:

More than 1.6 million veterans live in Florida. Approximately 75 percent of Florida's veteran population are wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are 187,000 military retirees who call Florida home.<sup>1</sup>

Florida has a large military population with more than 61,000 military personnel and 12,000 Florida National Guard members. Another 25,000 civilian personnel are directly associated with the military presence in Florida.<sup>2</sup>

Florida's military installations and defense businesses provide a \$73 billion annual economic impact, and account for more than 758,000 jobs in Florida, representing the 3rd largest sector of the state economy after agriculture and tourism.<sup>3</sup> The military spent \$31.3 billion across Florida in FY 2011 in goods and services, pensions, and salaries. Retirement, disability benefits and other transfers represent \$12.8 billion of that total.<sup>4</sup>

## III. Effect of Proposed Changes:

This bill contains provisions on a number of proposals relating to employment, education, services, and benefits for current and former military personnel. Given the broad nature of the bill and multitude of proposals, information on the "Present Situation" pertaining to each proposal is set forth in conjunction with the discussion of the "Effect of Proposed Changes" for that proposal.

### **Florida National Guard Education Dollars for Duty Program** (Section 1)

#### **Present Situation**

##### *Education Dollars for Duty Program*

The Education Dollars for Duty (EDD) program was created in 1997 to provide education tuition assistance to qualified Florida National Guard (FNG) members.<sup>5</sup> The existing program provides education assistance for authorized courses of study at a public or nonpublic accredited institution. The program is administered by the Florida Department of Military Affairs (DMA). The DMA may pay the full cost of tuition and fees for required courses for the Guard. Tuition and fees at nonpublic postsecondary institutions are limited to an amount equal to the amount that would be required to pay for the average tuition and fees at a public postsecondary education

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<sup>1</sup> Florida Department of Veterans' Affairs, Fast Facts, [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) last visited on January 24, 2014.

<sup>2</sup> Florida Defense Factbook, EFI and Haas Center, January 2013,

<http://www.eflorida.com/fdstf/docs/resources/Factbook%202013.pdf> last visited on January 24, 2014. This figure represents military and National Guard civilian personnel.

<sup>3</sup> Florida's Military Profile, Enterprise Florida, Defense Office,

[http://www.eflorida.com/fdstf/docs/info/Military\\_Install\\_Map.pdf](http://www.eflorida.com/fdstf/docs/info/Military_Install_Map.pdf) last visited on January 24, 2014

<sup>4</sup> Florida Defense Industry Economic Impact Analysis,

<http://www.floridadefense.org/documents/HAAS%20Study%202013/Impact2013FinalSubmission3.26.13.pdf> last visited on January 24, 2014.

<sup>5</sup> Ch. 97-158, Laws of Florida

institution or public vocational-technical program. Noncredit courses or courses not leading to a degree or completion of career training are not permitted under the EDD program.<sup>6</sup>

To qualify, an actively drilling member of the FNG member must be 17 years of age, live in Florida, agree to comply with the rules of the program, and remain in good standing with satisfactory participation in the FNG. A member is eligible at the time of enlistment in the FNG.<sup>7</sup> The DMA has adopted rules regarding the EDD program in Chapter 70-2, F.A.C. The rules limits participation to FNG members who have enlisted after the establishment of the program in 1997. Participation in the program is limited, by rule, to five years.<sup>8</sup>

If a member of the FNG does not maintain satisfactory participation in the FNG or is placed on scholastic probation the member must reimburse the DMA for all tuition charges and student fees for the academic term. If the member leaves the FNG during the period specified in the member's enlistment or reenlistment contract,<sup>9</sup> or is terminated,<sup>10</sup> the member must reimburse the DMA for all tuition and fee payments received.<sup>11</sup>

### *Federal Education Programs*

Florida National Guard members may be eligible for some federal education benefits. The Army National Guard Federal Tuition Assistance program provides financial assistance to part-time Army National Guard members.<sup>12</sup> However, this program is not a guaranteed benefit and is subject to budget fluctuations and interruptions during government shutdowns.

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. There are several programs available based on varying eligibility criteria. Florida National Guard members who have been deployed on federal active duty may be eligible for federal education benefits under the Montgomery GI Bill<sup>13</sup> or the Post 9/11 GI Bill.<sup>14</sup>

### *Industry Certifications*

The State Board of Education annually approves the Postsecondary Industry Certification Funding List, pursuant to s. 1008.44, F.S. The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education work with local workforce boards, other postsecondary institutions, businesses, and industry to

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<sup>6</sup> Section 250.10(7) and (8), F.S.

<sup>7</sup> Ibid.

<sup>8</sup> Chapter 70-2, F.A.C.

<sup>9</sup> Chapter 70-2.002, F.A.C., requires a member to serve in the FNG for a three year period after benefits are received.

<sup>10</sup> Chapter 70-2.002, F.A.C., requires a minimum of a 2.0 grade point average.

<sup>11</sup> Section 250.10(8), F.S.

<sup>12</sup> <http://www.military.com/education/money-for-school/national-guard-tuition-assistance.html>, last visited 2/3/14

<sup>13</sup> *The Montgomery GI Bill-Selected Reserve*, VA Pamphlet 22-90-3, Revised January 2007. Requires a National Guard member to have been called up to active duty under title 10 U.S. Code for a period of two years.

<sup>14</sup> *Post 9/11 GI Bill, It's Your Future*, VA Pamphlet 22-09-1 Revised May 2012. Available to persons who served on active duty after September 10, 2001, who have served at least 90 aggregate days on active duty. Percent of benefits allowed are calculated on period of time served on active duty and range from 40% of benefits for persons serving at least 90 days but less than 6 month to 100% of benefits for those serving at least 36 months.

identify, create, and recommend to the Commissioner of Education industry certifications to be placed on the funding list. The chancellors review results of the economic security report of employment and earning outcomes to assist in developing the list of approved industry certifications.<sup>15</sup>

#### *Preeminent State Research Universities*

In 2013, the Legislature authorized universities meeting specific standards<sup>16</sup> to establish an online university.<sup>17</sup> Universities must have met the standards by July 1, 2013. The University of Florida (UF) is the only state university that met this requirement. UF is in the process of creating fully online baccalaureate degree programs. Resident tuition for the online university's baccalaureate degree programs must not exceed 75 percent of the tuition rate specified in the General Appropriations Act and 75 percent of the tuition differential for the equivalent on-campus baccalaureate degree program.<sup>18</sup>

#### *Complete Florida Degree Program*

The Complete Florida Degree Program provides adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses and support aimed at assisting the adult learner to complete an associate degree or a baccalaureate degree that is aligned with high-wage, high-skill workforce needs. The University of West Florida is the lead institution, working with the Florida College System institutions, state universities, and private postsecondary institutions.<sup>19</sup>

#### *College Credit for Military Training*

In 2012, the Florida Legislature passed legislation to requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules to provide college credit for military training and education courses.<sup>20</sup>

### **Effect of Proposed Changes**

Section 1 of the bill amends s. 250.10, F.S., to expand the EDD program to allow funds to be used for a broader range of education and training opportunities associated with job skills, including training to obtain industry certifications, continuing education to maintain license certifications, and licensing and industry certification examination fees. Funding for the industry certifications is limited to those certifications approved by the Department of Education under s. 1008.44, F.S.

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<sup>15</sup> Section 1004.44, F.S.

<sup>16</sup> Section 1001.7065, F.S., establishes academic and research excellence standards. A university that meets at least 11 of the 12 academic and research excellence standards is designated as a preeminent state research university.

<sup>17</sup> Subsection 1001.7065(4), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 1006.735, F.S.

<sup>20</sup> Section 1004.096, F.S.

The bill requires participants of the program to authorize the release of information by the postsecondary institution or technical center to the Education Service Offices within the DMA.

The bill provides discretion to the Adjutant General to reimburse a member for books and fees based on available funding. The bill specifies that the Adjutant General may reimburse book costs regardless of the source of tuition funding. Further, the bill modifies the limitations regarding funding to private institutions to reflect language within the federal Post-9/11 GI Bill to pay no more than the rate of the highest in-state tuition and fees at a public postsecondary education institution or public vocational-technical program.

The bill clarifies that online courses are approved as determined by the Adjutant General based on adopted rules and expressly authorizes online courses as part of a preeminent state research university's institute of online learning.

The bill directs the Adjutant General to adopt specific rules regarding approval of specific courses of study, industry certification training, and continuing education courses. Rules must also address guidelines for approving funds for licensing and industry certification examination fees. The Adjutant General may recommend use of the Complete Florida Degree Program for certain participants in the EDD program based on criteria expressed by rule. The DMA rules must also include procedures for institutes of higher learning to release grade and status information to the DMA for students being funded through the EDD program. Procedures adopted in rule are also required to facilitate the award of academic college credit for training and education acquired in the military.

### **Uniform Code of Military Justice and the Manual for Courts-Martial** (Section 2)

#### **Present Situation**

The state National Guards are governed by the concurrent laws of the federal and respective state governments. All provisions of federal law, which relate to the Florida National Guard, and which are not inconsistent with the state constitution, are part of the military laws of Florida.<sup>21</sup> The Florida Constitution specifies that the qualifications of a member of the Florida National Guard, and “the grounds and proceedings for their discipline and removal” must conform to the appropriate regulations of United States Army or Air Force.<sup>22</sup>

The federal Uniform Code of Military Justice (UCMJ) contains the substantive and procedural laws governing the military justice system. The UCMJ defines the same crimes as those in civilian courts, but also includes violations of order and discipline, such as disobedience to a superior officer, drunkenness on duty, misconduct as a prisoner of war, and even adultery. The Manual for Courts-Martial (MCM) prescribes procedural rules and punishments for violations of crimes.

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<sup>21</sup> Section 250.03, F.S.; 32 U.S.C.A. is the primary federal law addressing the organization of the state National Guards.

<sup>22</sup> Article X, section 2(d) of the State Constitution.

Florida National Guard members are subject to the Uniform Code of Military Justice, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.<sup>23</sup>

Section 250.35, F.S., references the Manual for Courts-Martial and the Uniform Code of Military Justice, 2008 editions. Federal regulations require states to annually review the Manual for Courts-Martial to remain current with changes to the UCMJ.<sup>24</sup>

### **Effect of Proposed Changes**

Section 2 of the bill amends s. 250.35, F.S., to update the reference to the Uniform Code of Military Justice and the Manual for Courts-Martial to reflect the most current version, the 2012 edition.

### **Florida Veterans' Walk of Honor and Memorial Garden** (Section 3)

#### **Present Situation**

The Legislature created the Florida Veterans' Hall of Fame in 2011 to recognize and honor those military veterans who have made a significant contribution to the State of Florida.<sup>25</sup> Section 265.002, F.S., created the Florida Medal of Honor Wall on the Plaza Level of the Capitol Building in 1996 to honor recipients of the Medal of Honor who are in some way associated with Florida.

#### **Effect of Proposed Changes**

Section 3 of the bill creates s. 265.0031, F.S., to establish the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden. The Walk of Honor and Memorial Garden are to be administered by the Florida Department of Veterans' Affairs (FDVA) direct support organization. The bill directs the Florida Department of Management Services (DMS) to set aside an area for the Walk of Honor on the Capitol grounds. Further, the bill directs the DMS to set aside an area for the Memorial Garden. The DMS must consult with the FDVA and the FDVA's direct support organization regarding the design and theme of the area.

The bill states that the Walk of Honor and Memorial Garden will not require the appropriation of state funds. The FDVA's direct support organization will accept donations from the public for the Walk of Honor, which will generate a recurring funding stream for the support of veterans and for the construction of the Memorial Garden.

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<sup>23</sup> Section 250.351, F.S.

<sup>24</sup> Executive Order 12473 (July 13, 1984). 10 U.S.C.

<sup>25</sup> Section 265.003, F.S.

## **Veterans Preference in Public Employment** (Sections 5-8 and 19)

### **Present Situation**

Florida provides a preference and priority in the hiring practices of government employers of the state and political subdivisions of the state<sup>26</sup> for certain veterans and their spouses who are residents of Florida. All advertisements and written job announcements must include notice that veterans and eligible spouses receive preference in employment and are encouraged to apply for the position.<sup>27</sup> Florida's veterans' preference in employment statutes do not require a government employer to hire an unqualified veteran over a more qualified non-veteran.<sup>28</sup>

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:<sup>29</sup>

- A veteran with a service-connected disability;
- The spouse of a person who is:
  - Unable to work due to a total, permanent disability resulting from a service-connected disability; or
  - Missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty;
- A wartime veteran<sup>30</sup> who was honorably discharged; and
- The unremarried widow or widower of a veteran who died of a service-connected disability

Certain government positions are exempt from the veterans' employment preference. Examples of exempt positions include elected officers, legislative and judicial branch members, officers and employees, and positions that require licensure as a physician or a member of the Florida Bar.<sup>31</sup> However, positions in the State University System, career service positions in the Florida College System, and the School for the Deaf and the Blind are specifically not exempt.<sup>32</sup>

For positions that do not require an examination to determine qualification for employment, preference is given as follows:

- First preference is given to a veteran with a service-connected disability, the spouse of a veteran who is unable to work due to a permanent service-connected disability and the spouse of a servicemember missing in action or captured.
- Second preference is given to a wartime veteran and the widow and widower of a veteran who died of a service-connected disability.<sup>33</sup>

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<sup>26</sup> Subsection 1.01(8), F.S., defines "political subdivision" to include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

<sup>27</sup> Section 295.065, F.S.

<sup>28</sup> *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

<sup>29</sup> s. 295.07(1)(a)-(d), F.S.

<sup>30</sup> Section 1.01(14), F.S., prescribes specified periods of wartime which qualify certain veterans for benefits exclusive to wartime veterans.

<sup>31</sup> Section 110.205(2), F.S.

<sup>32</sup> Section 295.07(4), F.S.

<sup>33</sup> Section 295.085, F.S.

For positions that require an examination to determine qualification for employment, specific point preference is given as follows:

- Ten points for a veteran with a service-connected disability, the spouse of a veteran that is unable to work due to a permanent service-connected disability, and the spouse of a servicemember missing in action or captured.
- Five points for a wartime veteran and the widow or widower of a veteran who died of a service-connected disability.<sup>34</sup>

The FDVA is charged with administering the grievance process for the veteran employment preference. The FDVA is to investigate any complaint filed with the department and may issue an opinion to the Public Employees Relations Commission (PERC) as to the merit or lack of merit in each case. The FDVA must also provide a copy of the investigative findings to the complainant and to the agency involved. Unresolved issues may go to the PERC.<sup>35</sup>

The number of complaints filed with the FDVA has increased in the last several years, going from 143 complaints in FY 2009-10 to 1,125 complaints in FY 2012-13. Nine cases went to the PERC in FY 2012-13. Three cases were in the court system in FY 2012-13.<sup>36</sup>

### **Effect of Proposed Changes**

Section 5 of the bill amends s. 295.065, F.S., to modify Legislative intent language to reflect the inclusion of certain servicemembers and family members of veterans added to the employment preference.

Section 6 of the bill amends s. 295.07, F.S., to add several classes to the employment preference provisions of the statutes as follows:

- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.
- An honorably discharged veteran.<sup>37</sup> However, active duty for training does not constitute eligibility.
- A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

The bill removes the requirement that the person receiving preference be a Florida resident.

Section 7 of the bill amends s. 295.08, F.S., to revise the preference points to be awarded for positions that are numerically selected as follows:

- 15 points (an increase from 10 points) for:
  - A veteran with a service-connected disability;

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<sup>34</sup> Section 295.08, F.S.

<sup>35</sup> Section 295.11, F.S.

<sup>36</sup> Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

<sup>37</sup> Subsection 1.01(14), F.S., defines a “veteran” as “a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.”

- The spouse of a veteran who is unable to work due to a permanent service-connected disability; and
- The spouse of a servicemember missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty.
- 10 points for:
  - A wartime veteran, who has served at least one day during a wartime period;
  - The unremarried widow or widower of a veteran who died of a service-connected disability; and
  - The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.
- 5 points for:
  - Any honorably discharged veteran. However, active duty for training is does not constitute eligibility; and
  - A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Section 8 of the bill amends s. 295.085, F.S., to revise the preference order for positions that are not based on numerical point system as follows:

- First preference
  - A veteran with a service-connected disability;
  - The spouse of a veteran who is unable to work due to a permanent service-connected disability; and
  - The spouse of a servicemember missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty.
- Second preference
  - A wartime veteran, who has served at least one day during a wartime period;
  - The unremarried widow or widower of a veteran who died of a service-connected disability;
  - The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions;
  - Any honorably discharged veteran. However, active duty for training is does not constitute eligibility; and
  - A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Section 19 of the bill reenacts s. 1002.36, F.S., to incorporate change made in s. 295.07, F.S., regarding veteran employment preference.

### **Florida Is for Veterans, Inc.** (Sections 9-10 and 12)

#### **Present Situation**

There are several entities in Florida that, as a subset of their overall mission, provide education and employment assistance to veterans. In addition, Florida has created the Florida Defense Support Task Force to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents,

military retirees, and businesses that bring military and base-related jobs to the state.<sup>38</sup> There is no entity that is focused on promoting Florida as the future home for recently separated or retired military personnel.

With funding from the United States Department of Labor, the Florida Department of Economic Opportunity (DEO) directly administers the Jobs for Veterans State Grant in conjunction with various workforce development programs. The DEO Veterans' program works to promote and maximize the employment of Florida's veteran population, especially those with barriers to employment. Florida's One-Stop Career Centers are staffed with a network of professional Disabled Veterans Outreach Program Specialists and Local Veteran Employment Representatives.<sup>39</sup>

The Division of Career and Adult Education in the Florida Department of Education (FDOE) administers the Veterans Diploma program. The FDOE has also worked to ensure that veterans can receive academic credit for prior experience and training in the military.<sup>40</sup>

The FDVA is a cabinet agency created to assist all present and former members of the U.S. Armed Forces and their dependents and survivors in preparing claims for and securing such compensation, pension, hospitalization, vocational training, employment assistance and other benefits or privileges they may have earned. All services rendered by FDVA are without charge to the claimant.<sup>41</sup> The FDVA annually publishes the Florida Veterans' Benefits Guide designed to provide the latest information on federal and state benefits.<sup>42</sup>

### **Effect of Proposed Changes**

Section 9 of the bill creates s. 295.20, F.S., to create the Florida Is For Veterans, Inc., a nonprofit corporation in the FDVA, to promote Florida as a veteran-friendly state. The corporation is to encourage and assist retired and recently separated military personnel to keep or make Florida their permanent residence. It is also to help equip veterans for employment opportunities and promote the hiring of veterans.

The corporation duties are:

- Market research and campaign – through competitive contract with one or more entities:
  - Research veteran demographic to identify the target market and the educational and employment needs of the target population
  - Develop and conduct a marketing campaign to encourage retired and recently separated military personnel to live in Florida
  - Develop an information dissemination process to veterans of all ages regarding access to benefits
- Promote and enhance the value of military skill sets to businesses

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<sup>38</sup> Section 288.987, F.S.

<sup>39</sup> Material provided by the Department of Economic Opportunity to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 10, 2013.

<sup>40</sup> Material provided by the Florida Department of Education to the Senate Committee on Military Affairs, Space and Domestic Security, December 9, 2013.

<sup>41</sup> <http://www.myflorida.com/agency/49/> (last visited 2/3/14)

<sup>42</sup> FDVA website: <http://floridavets.org/> (last visited 2/3/14)

- Implement employment and training initiatives under the Veterans Employment and Training Services program, created by the bill
- Manage funds
- Administer specified programs

The corporation will be governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives will each appoint three members and must consider representation by active and retired military personnel and their spouses representing a range of ages and persons with experience in business, education, marketing, and information management. The members of the board will serve for four years and will annually elect a chairman from among the board members. In order to achieve staggered terms, the initial appointees of the Governor shall be for a two year period. With the exception of the Governor's initial appointees, members are limited one term.

The members of the board are not public officers or employees; however, they are subject to the standards of conduct for public officers, employees or agencies and local government attorneys,<sup>43</sup> the restrictions on employment of relatives,<sup>44</sup> and restrictions on voting conflicts<sup>45</sup> contained in Chapter 112, F.S. A member of the board may not have a direct interest in a contract, franchise, privilege, project, program or other benefit relating to an award by the corporation while on the board and for two years following service on the board. Accepting appointment to the board in violation of these provisions is a misdemeanor of the first degree. Members of the board are required to file a financial disclosure.<sup>46</sup> Members of the board serve without compensation; however, they will be reimbursed for travel associated with the corporation.

The bill provides, in addition to the powers provided to not for profit corporations in Chapter 617, F.S., the power to enter into contracts and other instruments, make expenditures, adopt and revise bylaws, accept funding for programs and activities from federal, state, local and private sources, and adopt and register a fictitious name for marketing. The corporation is prohibited from issuing bonds and must revert to the state any moneys and property held by the corporation if the corporation ceases to exist.

The corporation is subject to public records and meetings provisions of Florida statutes.<sup>47</sup>

The corporation may hire staff. All agencies of the state are directed to provide such technical assistance as the corporation needs to identify programs within each agency that provide assistance or benefits to veterans. The FDVA may provide department property, facilities and personal services to the corporation.

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<sup>43</sup> Section 112.313, F.S.

<sup>44</sup> Section 112.3135, F.S.

<sup>45</sup> Section 112.3143, F.S.

<sup>46</sup> Each member of the board who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.2144, F.S., must file a statement of financial interest under s. 112.3145, F.S.

<sup>47</sup> Chapters 119 and 286, F.S.

The corporation must provide the Governor and Legislature with an annual progress report and work plan by December 1 or each year. The report must include:

- Status and summary of findings regarding the target market, veteran benefits and any identified gaps in services
- Status of the marketing campaign, delivery systems of the marketing campaign, and outreach
- Status of the Veterans Employment and Training Services Program
- Proposed revisions or additions to the performance measurements for their programs
- Identification of contracts that the corporation has entered into to carry out its duties
- Annual compliance and financial audit of accounts and records

Section 10 of the bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a performance audit of the corporation by February 1, 2018, to assess the implementation and outcomes of the activities of the corporation and evaluate accomplishments and progress toward making Florida a veteran-friendly state. The OPPAGA audit findings will be submitted to the Legislature.

Section 12 of the bill requires the corporation submit a report to the Governor, the President of the Senate and the Speaker of the House identifying existing gaps in veteran resources and recommending best practices to assist veterans and improve current or new resources and programs by February 2, 2015.

### **Veterans Employment and Training Services Program (VETS)** (Sections 4 and 11)

#### **Present Situation**

See Present Situation under Florida Is For Veterans, Inc.

#### **Effect of Proposed Changes**

Section 11 of the bill creates s. 295.21, F.S., to create the Veterans Employment and Training Services Program (VETS). VETS is administered by Florida Is For Veterans, Inc. (FIFV) with the purpose of connecting veterans and employers. FIFV is required to provide services to veterans and employers.

Services offered to veterans include:

- Skill assessments, including skill translation of military skills into civilian workforce skills and resume creation;
- Assistance in establishing employment goals, including providing information on Department of Education approved industry certifications and the ability to earn college credit for training and education acquired in the military; and
- Assistance in applying for employment, including referring a veteran to the state's job bank system (Employ Florida Marketplace) or his or her Local One-Stop Career Center. The FIFV must provide information on the state's workforce programs on a central website.

FIFV is required to contract, through competitive bidding, with one or more public or private universities to administer entrepreneurship initiative programs for veterans. Selected universities

must demonstrate a commitment of university resources to such a program, have a military and veteran resource center, have a regional small business development center, and have been nationally recognized for commitment to the military and veterans. The initiative at the select university may include peer-to-peer learning, mentoring, technical assistance, networking, and use of tools in a virtual environment.

Services offered to employers include:

- Educating employers on the value of a veteran's military experience in the workplace;
- Assisting employers to meet hiring needs by connecting businesses with suitable veteran applicants; and
- Providing information about state and federal benefits of hiring veterans.

Additionally, FIFV is required to create a grant program for businesses to provide funding for training veterans to meet a business's workforce-skill needs. The grant funds are permitted to pay any training provided selected by the business, including in-house providers and state colleges or universities. Preference is given to target industry businesses.<sup>48</sup> A business must enter into an agreement with FIFV for the grant and must provide a match to the grant funds of at least 50 percent. Grant terms may not exceed 48 months. Grant funds are limited to \$8,000 per veteran trainee to pay for costs such as tuition, fees, books, and rental fees for facilities. Grant funds may only be used in the absence of available veteran-specific federally funded programs. However, a grant under this program may be combined with a grant under the Quick Response Training Program under s. 288.047, F.S.

FIFV is required to market the VETS program and recruit in-state and out-of-state veterans seeking employment in Florida to participate in the program. Efforts may include job fairs and social media campaigns. The marketing must be included as part of the main marketing campaign of FIFV.

The bill also requires Enterprise Florida, Inc., to provide information about FIFV and its services to prospective, new, expanding, and relocating businesses. Enterprise Florida, Inc., must also work with FIFV, to the greatest extent possible, to meet the employment needs of such businesses.

Section 4 of the bill amends s. 288.0001, F.S., to require the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to include the entrepreneurship initiative and training grant programs created under the VETS program as part of the Economic Development Programs Evaluation in 2019.

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<sup>48</sup> Target industries include cleantech, life sciences, infotech, aviation/aerospace, homeland security/defense, financial/professional services, and manufacturing, corporate headquarters, and research and development within those areas. See Enterprise Florida's "Qualified Targeted Industries for Incentives," available at [http://www.eflorida.com/IntelligenceCenter/download/PSR/SI\\_Targeted\\_Industries.pdf](http://www.eflorida.com/IntelligenceCenter/download/PSR/SI_Targeted_Industries.pdf) (last visited 1/29/2014).

**Florida Veterans' Domiciliary Home and Veterans' Nursing Homes** (Sections 13 and 14)**Present Situation**

The FDVA operates six skilled nursing facilities in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte and St. Augustine, and one assisted living facility in Lake City. Care is provided to veterans with qualifying war or peacetime service, who are residents of Florida for one year immediately preceding admission, and who require skilled care as certified by a USDVA physician. Assisted living level care is provided at the Robert H. Jenkins State Veterans' Domiciliary Home in Lake City, and includes rehabilitative assistance and other therapeutic measures to eligible ambulatory veterans who are not in need of hospitalization or skilled nursing services. The Robert H. Jenkins State Veterans' Domiciliary Home operated at an average occupancy rate of 86-percent in FY 2012-13. Occupancy rates for the state veterans' nursing homes are much higher, ranging from 97.1-percent to 99.9-percent in FY 2012-13.<sup>49</sup>

Florida statutes provides for a one year residency requirement prior to the application for admittance into the state veterans' home or the state veteran's nursing homes.<sup>50</sup>

**Effect of Proposed Changes**

Sections 13 and 14 of the bill amend ss. 296.06 and 296.36, F.S., respectively, to remove the one year residency requirement for admittance into the state veterans' domiciliary home or the state veteran's nursing homes. The requirement that the applicant be a resident of the state at the time of the application remains.

**Professional Licensing** (Sections 15-17)**Present Situation***Department of Business and Professional Regulation License Fee Waivers for Veterans*

Section 455.213, F.S., provides the general provisions for issuance of professional licensure by the Department of Business and Professional Regulation (DBPR). Former members of the U.S. Armed Forces are required to meet all licensure requirements; however, the initial licensing fee, the initial application fee and initial unlicensed activity fee for military veterans who have been honorably discharged from the U.S. Armed Forces within 24 months prior to applying for licensure are waived.

*Department of Health License Fee Waivers for Veterans*

Section 456.013, F.S., provides the general licensing provisions for all professions regulated by the Division of Medical Quality Assurance within the Department of Health (DOH). The initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably

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<sup>49</sup> Florida Department of Veterans' Affairs, Annual Report: Fiscal Year 2012-2013

<sup>50</sup> Section 296.06, F.S., provides the requirements for admittance into the state veterans' domiciliary home. Section 296.36, F.S., provides the requirements for admittance into the state veterans' nursing homes.

discharged military veteran who applies to the DOH for a license within 24 months after discharge from the U.S. Armed Forces are waived.

Radiological personnel are regulated in s. 468.304, F.S. The initial application fee for an honorably discharged military veteran who applies to the DOH for one of the certifications applicable to radiological personnel within 24 months after discharge from the U.S. Armed Forces is waived.

### **Effect of Proposed Changes**

Sections 15 of the bill amends s. 455.213, F.S., to increase the time period for DBPR to waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 16 of the bill amends s. 456.013, F.S., to increase the time period for DOH to waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 17 of the bill amends s. 468.304, F.S., to increase the time period for DOH to waive the initial application fee for an honorably discharged military veteran who applies to the DOH for a certification applicable to radiological personnel to 60 months after discharge from the U.S. Armed Forces. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

### **Prescription Drug Wholesale Distributor (Section 18)**

#### **Present Situation**

Prescription drug wholesale distributors are regulated by DBPR's Drugs, Devices, and Cosmetics division. All applicants and permittees must designate in writing at least one natural person to serve as the designated representative (certified designated representative).<sup>51</sup> Such person must have an active certification from the DBPR.<sup>52</sup> Part of the eligibility criteria to obtain a certification as a designated representative is having at least two years of either of the following types of verifiable, full-time work experience:<sup>53</sup>

- Work experience in a pharmacy licensed in Florida or another state, provided the applicant's responsibilities included, but were not limited to, recordkeeping for prescription drugs; or

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<sup>51</sup> Section 499.012(16)(a), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 499.012(16)(b)(3), F.S.

- Managerial experience with a prescription drug wholesale distributor licensed in this state or another.

### **Effect of Proposed Changes**

Section 18 of the bill amends s. 499.012(16)(b)(3), F.S., to provide a third option to satisfy the work experience permit requirement, which states “managerial experience with the United States military, where the applicant’s responsibilities included, but were not limited to, recordkeeping, warehousing, distribution, or other logistics services pertaining to prescription drugs.”

### **Effective Date** (Section 20)

Section 20 of the bill provides an effective date of July 1, 2014.

## **IV. Constitutional Issues:**

### A. Municipality/County Mandates Restrictions:

None.

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

None.

### C. Trust Funds Restrictions:

None.

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

### A. Tax/Fee Issues:

Under sections 15, 16 and 17 of the bill, the initial licensing fees for military veterans and their spouses applying for DBPR or DOH licensure within 60 months after being honorably discharged from the U. S. Armed Forces will be waived.

### B. Private Sector Impact:

Veterans in Florida or seeking to relocate to Florida will benefit from the services of the VETS program administered by FIFV. Veterans will receive assistance in meeting employment goals, finding employment, or becoming entrepreneurs.

Businesses in Florida or moving to Florida will benefit from the services of the VETS program administered by FIFV. Businesses will be connected with veterans that meet their demand for highly-skilled candidates for employment, receive information on the state and federal benefits of hiring veterans, and may receive grants for training employees.

The bill expands the Florida National Guard's Education Dollars for Duty program to allow for funds to be used for additional activities. The bill requires private universities, colleges and technical centers that receive EDD funds to provide specific student information to the Department of Military Affairs.

Military veterans and their spouses will have up to 60 months following honorable discharge from the U.S. Armed Forces to be eligible for a fee waiver for initial fees associated with professional licensure. Current law provides this benefit to the veteran only and is limited to a 24 month period.

**C. Government Sector Impact:**

The bill expands the Florida National Guard's Education Dollars for Duty program to allow for funds to be used to additional activities. The bill requires state universities, colleges and technical centers that receive EDD funds to provide specific student information to the Department of Military Affairs. The bill also requires the Department of Military Affairs to revise rules regarding the program.

The bill expands Florida's veterans' preference in employment statutes. The number of complaints filed with the FDVA has been increasing in the last several years, going from 143 complaints in FY 2009-10 to 1,125 complaints in FY 2012-13. Nine cases have gone to the PERC in FY 2012-2013. Three cases have continued on to the courts.<sup>54</sup> Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints. However, s. 295.11, F.S., requires the FDVA to conduct all investigations within existing amounts appropriated to the FDVA. The agency expects that the one full-time employee currently administering this program will process any increased complaints. In addition, the PERC may experience an increase in the number of complaints it must investigate and adjudicate.

The admission requirements to the state's veterans home and veterans nursing homes is revised to remove the requirement that the applicant must be a resident of Florida for one year prior to being admitted. The FDVA states that filling the vacant beds in the homes would not increase the cost of operating such facilities.

Florida Is For Veterans, Inc., will require funding for administration, as well as funding to implement their programs, including the VETS program. Universities/colleges/career centers/regional small business development centers may receive some benefits from training grants and those selected for entrepreneurship initiative.

Local One-Stop Career Centers may see an increased work-load as veterans are referred to receive services.

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<sup>54</sup> Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability will experience an increased workload in FY 2018-19 when completing the Economic Development Programs Evaluation.

The number of spouses of military veterans and the increase in number of military veterans who will apply for licensure or certification within 60 months after being honorably discharged from the U.S. Armed Forces is unknown. However, similar bills, which provided the waivers to veterans within a 24 month period of discharge, have been enacted in 2012 for DBPR licenses and in 2013 for DOH licenses. Since implementation in July 2012, DBPR has waived fees for 72 licenses representing a total of \$10,019.<sup>55</sup> As of December 9, 2013, the DOH had approved 67 licenses, waiving a total of \$11,013 in fees, and had 72 open applications.<sup>56</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 250.10, 250.35, 288.0001, 295.065, 295.07, 295.08, 295.085, 296.06, 296.36, 455.213, 456.013, 468.304, 499.012

This bill creates the following sections of the Florida Statutes: 265.0031, 295.20, 295.21

**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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<sup>55</sup> Material provided by the Department of Business and Professional Regulation to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 5, 2013.

<sup>56</sup> Material provided by the Department of Health to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 9, 2013.

**FOR CONSIDERATION** By the Committee on Military and Veterans Affairs, Space, and Domestic Security

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1 A bill to be entitled  
 2 An act relating to military and veterans affairs;  
 3 amending s. 250.10, F.S.; revising requirements for  
 4 the Educational Dollars for Duty program developed by  
 5 the Adjutant General; requiring an Educational Dollars  
 6 for Duty program applicant to authorize the release of  
 7 certain information to the Department of Military  
 8 Affairs; prohibiting the program from paying repeat  
 9 course fees; authorizing certain online courses to be  
 10 offered through the program; requiring participating  
 11 institutions to provide specified information to the  
 12 Department of Military Affairs; authorizing the  
 13 department to reimburse certain costs and fees;  
 14 requiring the Adjutant General to adopt rules relating  
 15 to specified components of the program; amending s.  
 16 250.35, F.S.; updating references with respect to  
 17 courts-martial; creating s. 265.0031, F.S.; providing  
 18 legislative intent; establishing the Florida Veterans'  
 19 Walk of Honor and the Florida Veterans' Memorial  
 20 Garden; providing administration and funding, without  
 21 appropriation of state funds, by the Department of  
 22 Veterans' Affairs; requiring the Department of  
 23 Management Services to set aside an area for the  
 24 construction of the Walk of Honor and the Memorial  
 25 Garden; requiring specified donations to be deposited  
 26 in the account of the direct-support organization  
 27 within the Department of Veterans' Affairs;  
 28 authorizing the organization to use the donations for  
 29 specified purposes; amending s. 288.0001, F.S.;

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30 requiring the Office of the Economic and Demographic  
 31 Research and the Office of Program Policy Analysis and  
 32 Government Accountability to provide an analysis of  
 33 the Veterans Employment and Training Services Program  
 34 by specified dates; amending s. 295.065, F.S.;  
 35 revising legislative intent relating to the hiring  
 36 practices of veterans; amending s. 295.07, F.S.;  
 37 revising eligibility for preference in appointment and  
 38 retention by public employers; amending s. 295.08,  
 39 F.S.; revising point values added to earned ratings of  
 40 a person eligible to receive preference in appointment  
 41 to and retention in certain positions by public  
 42 employers; amending s. 295.085, F.S.; revising  
 43 preference in appointment, employment, and retention  
 44 in positions for which numerically based selection  
 45 processes are not used; conforming cross-references  
 46 and provisions to changes made by the act; amending s.  
 47 295.20, F.S.; creating Florida Is for Veterans, Inc.,  
 48 as a nonprofit corporation within the Department of  
 49 Veterans' Affairs; specifying the purpose and duties  
 50 of the corporation; providing for the governance of  
 51 the corporation by a board of directors; specifying  
 52 the membership and composition of the board; providing  
 53 for the appointment of board members and designating  
 54 terms; providing that members of the board are subject  
 55 to the Code of Ethics of Public Officers and  
 56 Employees; providing a penalty for certain violations  
 57 by board members; authorizing reimbursement for per  
 58 diem and travel expenses of board members; providing

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59 that an appointed member of the board may be removed  
 60 for cause; authorizing the board to exercise certain  
 61 powers; providing that the corporation is subject to  
 62 the state's public records and meetings laws;  
 63 providing for administrative and staff support for the  
 64 nonprofit corporation; authorizing each state agency  
 65 to provide necessary assistance to the nonprofit  
 66 corporation; authorizing the Department of Veterans'  
 67 Affairs to allow the nonprofit corporation's use of  
 68 property, facilities, and personal services; providing  
 69 exceptions; requiring the nonprofit corporation to  
 70 submit an annual report to the Governor and the  
 71 Legislature; prescribing report requirements;  
 72 requiring the Office of Program Policy Analysis and  
 73 Government Accountability to conduct a performance  
 74 audit by a specified date; prescribing audit  
 75 requirements; requiring that the audit findings be  
 76 submitted to the Legislature; creating s. 295.21,  
 77 F.S.; providing legislative findings and intent;  
 78 creating the Veterans Employment and Training Services  
 79 Program within the Department of Veterans' Affairs;  
 80 providing for administration of the program by Florida  
 81 is For Veterans, Inc.; specifying duties of the  
 82 program; requiring Enterprise Florida, Inc., to  
 83 provide information regarding Florida Is for Veterans,  
 84 Inc., to prospective businesses; requiring Enterprise  
 85 Florida, Inc., to collaborate with Florida Is for  
 86 Veterans, Inc., regarding employment needs; requiring  
 87 Florida Is for Veterans, Inc., to submit a report to

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88 the Governor and the Legislature by a specified date;  
 89 prescribing report requirements; amending s. 296.06,  
 90 F.S.; revising residency requirements for eligibility  
 91 for admittance to the Veterans' Domiciliary Home of  
 92 Florida; amending s. 296.36, F.S.; revising residency  
 93 requirements for eligibility for admittance to the  
 94 Veterans' Nursing Home of Florida; amending s.  
 95 455.213, F.S.; authorizing the person who is the  
 96 spouse of a military veteran at the time of the  
 97 veteran's discharge to apply to the Department of  
 98 Business and Professional Regulation for certain  
 99 licenses without paying initial fees; increasing the  
 100 time period during which a military veteran or his or  
 101 her spouse at the time of discharge may qualify for a  
 102 fee waiver; amending ss. 456.013 and 468.304, F.S.;  
 103 authorizing the Department of Health to waive certain  
 104 fees for the person who is the spouse of a military  
 105 veteran at the time of the veteran's discharge;  
 106 increasing the time period during which a military  
 107 veteran or his or her spouse at the time of discharge  
 108 may qualify for a fee waiver; amending s. 499.012,  
 109 F.S.; revising permit application requirements under  
 110 the Florida Drug and Cosmetic Act for natural persons  
 111 with certain managerial experience in the United  
 112 States Armed Forces; reenacting s. 1002.36(4)(f),  
 113 F.S., relating to the board of trustees of the Florida  
 114 School for the Deaf and the Blind, to incorporate the  
 115 amendments made to s. 295.07, F.S., in a reference  
 116 thereto; providing an effective date.

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117

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

119

120 Section 1. Subsections (7) and (8) of section 250.10,  
121 Florida Statutes, are amended to read:

122 250.10 Appointment and duties of the Adjutant General.—

123 (7) The Adjutant General shall develop an education  
124 assistance program for members in good standing of the Florida  
125 National Guard who enroll in an authorized course of study at a  
126 public or nonpublic postsecondary institution or technical  
127 center in this state ~~of higher learning in the state~~ which has  
128 been accredited by an accrediting body recognized by the United  
129 States Department of Education or licensed by the Commission for  
130 Independent Education. Education assistance also may be used for  
131 training to obtain industry certifications approved by the  
132 Department of Education pursuant to s. 1008.44 and continuing  
133 education to maintain license certifications. The education  
134 assistance ~~This~~ program shall be known as the Educational  
135 Dollars for Duty program (EDD).

136 (a) The program shall establish ~~set forth~~ application  
137 requirements, including, but not limited to, requirements that  
138 the applicant:

- 139 1. Be 17 years of age or older.  
140 2. Be presently domiciled in the state.  
141 3. Be an active drilling member and in good standing in the  
142 Florida National Guard at the beginning of and throughout the  
143 entire academic term for which benefits are received.  
144 4. Maintain continuous satisfactory participation in the  
145 Florida National Guard for any school term for which exemption

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146

benefits are received.

147

148 5. Upon enrollment in the program, complete a memorandum of  
149 agreement to comply with the rules of the program and serve in  
150 the Florida National Guard for the period specified in the  
151 member's enlistment or reenlistment contract.

152

153 6. Authorize the release of information as provided in  
154 subparagraph (d)7. by the postsecondary institution or technical  
155 center to the Education Service Office within the Department of  
156 Military Affairs, subject to applicable federal and state law.

157

158 (b) The program shall define those members of the Florida  
159 National Guard who are ineligible to participate in the program  
160 and those courses of study which are not authorized for the  
161 program.

162

163 1. Ineligible members include, but are not limited to, any  
164 member, commissioned officer, warrant officer, or enlisted  
165 person who has obtained a master's degree using the program.

166

167 2. Inactive members of the Florida National Guard and  
168 members of the Individual Ready Reserve (IRR) are not eligible  
169 to participate in the program.

170

171 3. Courses not authorized include noncredit courses,  
172 courses that do not meet degree requirements, courses that do  
173 not meet requirements for completion of career training, or  
174 other courses as determined by program definitions.

175

176 ~~4.3. The program may not pay repeat course fees~~  
177 ~~developmental education courses are authorized for the program.~~

178

179 (c) The program may include, but is not limited to:

180

181 1. Courses at a public or nonpublic secondary institution  
182 or technical center in the state which has been accredited by an  
183 accrediting body recognized by the United States Department of  
184

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175 Education or licensed by the Commission for Independent  
 176 Education.

177 2. Training to obtain industry certifications, limited to  
 178 certifications approved by the Department of Education under s.  
 179 1008.44.

180 3. Continuing education to maintain a license or  
 181 certification.

182 4. Licensing and industry certification examination fees.

183 5. Online courses approved by the Adjutant General for the  
 184 program, pursuant to rules adopted pursuant to paragraph (d).  
 185 Courses offered as part of a preeminent state research  
 186 university institute for online learning, as designated in s.  
 187 1001.7065, are expressly authorized for the program.

188 6. Participation in the Complete Florida Degree Program  
 189 under s. 1006.735.

190 7. Developmental educational courses, notwithstanding  
 191 subparagraph (b)3.

192 (d)(e) The Adjutant General shall adopt rules for the  
 193 overall policy, guidance, administration, implementation, and  
 194 proper use of the program. Such rules must include, but need not  
 195 be limited to:

196 1. Guidelines for certification by the Adjutant General of  
 197 a guard member's eligibility ~~and~~ procedures for notification to  
 198 a postsecondary ~~an~~ institution or technical center of a guard  
 199 member's termination of eligibility.

200 2. Guidelines for approving courses of study that are  
 201 authorized for the program, including online courses, industry  
 202 certification training, and continuing education to maintain  
 203 license certifications.

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204 3. Guidelines for approving the use of program funds for  
 205 licensing and industry certification examination fees.

206 4. Guidelines for recommending certain members participate  
 207 in the Complete Florida Degree Program established pursuant to  
 208 s. 1006.735.

209 5. Procedures to facilitate the award of academic college  
 210 credit at public postsecondary educational institutions for  
 211 college-level training and education acquired in the military  
 212 pursuant to s. 1004.096, ~~and~~

213 6. Procedures for restitution when a guard member fails to  
 214 comply with the penalties described in this section.

215 7. Procedures that require an institution that receives  
 216 funding from the program provide information regarding course  
 217 enrollment, course withdrawal, course cancellation, course  
 218 completion, course failure, and grade verification of enrolled  
 219 members to the Education Service Office within the Department of  
 220 Military Affairs.

221 8. Guidelines for the payment of tuition and fees not to  
 222 exceed the highest in-state tuition rate charged by a public  
 223 postsecondary institution in this state.

224 (8) Subject to appropriations, the Department of Military  
 225 Affairs may pay the full cost of tuition and fees for required  
 226 courses for current members of the Florida National Guard.  
 227 Members are eligible to use the program upon enlistment in the  
 228 Florida National Guard. If a member is enrolled in a nonpublic  
 229 postsecondary education institution or a nonpublic vocational-  
 230 technical program, ~~the Department of Military Affairs shall pay~~  
 231 ~~an amount equal to the amount that would be required to pay for~~  
 232 ~~the average program fees may not exceed the rate of the highest~~

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233 in-state tuition and fees at a public postsecondary education  
234 institution or public vocational-technical program.

235 (a) The Department of Military Affairs may reimburse a  
236 member for student book costs and fees indexed to tuition in  
237 accordance with limits set each fiscal year. Reimbursement shall  
238 be based on funding availability and is subject to the Adjutant  
239 General's discretion, including, but not limited to, authority  
240 to reimburse book costs regardless of the source of tuition  
241 funding. A member may participate in the program if he or she  
242 maintains satisfactory participation in, and is an active  
243 drilling member of, the Florida National Guard. Inactive members  
244 of the Florida National Guard and members of the Individual  
245 Ready Reserve (IRR) are not eligible to participate in the  
246 program.

247 (b) Penalties for noncompliance with program requirements  
248 include, but are not limited to, the following:

249 1. If a member of the Florida National Guard receives  
250 payment of tuition and fees for an ~~any~~ academic term and fails  
251 to maintain satisfactory participation in the Florida National  
252 Guard during that academic term, the member shall reimburse the  
253 Department of Military Affairs all tuition charges and student  
254 fees for the academic term for which the member received  
255 payment.

256 2. If a member of the Florida National Guard leaves the  
257 Florida National Guard during the period specified in the  
258 member's enlistment or reenlistment contract, the member shall  
259 reimburse the Department of Military Affairs all tuition charges  
260 and student fees for which the member received payments,  
261 regardless of whether the obligation to reimburse the department

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262 was incurred before, on, or after July 1, 2009, unless the  
263 Adjutant General finds that there are justifiable extenuating  
264 circumstances.

265 3. If the service of a member of the Florida National Guard  
266 is terminated or the member is placed on scholastic probation  
267 while receiving payments, the member shall reimburse the  
268 Department of Military Affairs all tuition charges and student  
269 fees for the academic term for which the member received  
270 payment.

271 4. If a member defaults on any reimbursement made under  
272 this paragraph, the department may charge the member the maximum  
273 interest rate authorized by law.

274 Section 2. Subsections (1) and (2) of section 250.35,  
275 Florida Statutes, are amended to read:

276 250.35 Courts-martial.—

277 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.  
278 ss. 801 et seq., and the Manual for Courts-Martial (2012 ~~2008~~  
279 Edition) are adopted for use by the Florida National Guard,  
280 except as otherwise provided by this chapter.

281 (2) Courts-martial may try any member of the Florida  
282 National Guard for any crime or offense made punishable by the  
283 Uniform Code of Military Justice (2012 ~~2008~~ Edition), except  
284 that a commissioned officer, warrant officer, or cadet may not  
285 be tried by summary courts-martial.

286 Section 3. Section 265.0031, Florida Statutes, is created  
287 to read:

288 265.0031 Florida Veterans' Walk of Honor and Memorial  
289 Garden.—

290 (1) It is the intent of the Legislature to recognize and

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291 honor those military veterans who, through their works and lives  
 292 during or after service, have made a significant contribution to  
 293 this state.

294 (2) There is established the Florida Veterans' Walk of  
 295 Honor.

296 (a) The Department of Veterans' Affairs shall administer  
 297 the Florida Veterans' Walk of Honor and fund it through the  
 298 department's direct-support organization, established under s.  
 299 292.055, without appropriation of state funds.

300 (b) The Department of Management Services shall set aside  
 301 an area of the courtyard in front of the Capitol Building  
 302 necessary for the construction of the Florida Veterans' Walk of  
 303 Honor and shall consult with the Department of Veterans' Affairs  
 304 and the department's direct-support organization regarding the  
 305 design and theme of the area.

306 (c) Donations made toward the Florida Veterans' Walk of  
 307 Honor shall be deposited in a bank account established by the  
 308 department's direct-support organization.

309 (3) There is established the Florida Veterans' Memorial  
 310 Garden.

311 (a) The Department of Veterans' Affairs shall administer  
 312 the Florida Veterans' Memorial Garden and fund it through the  
 313 department's direct-support organization, established under s.  
 314 292.055, without appropriation of state funds.

315 (b) The Department of Management Services shall set aside  
 316 an area of the grounds of the Capitol Complex, as defined in s.  
 317 281.01, for the construction of the Florida Veterans' Memorial  
 318 Garden and shall consult with the Department of Veterans'  
 319 Affairs and the department's direct-support organization

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320 regarding the design and theme of the area.

321 (c) The department's direct-support organization may use  
 322 donations made toward the Florida Veterans' Walk of Honor to  
 323 construct the Florida Veterans' Memorial Garden.

324 Section 4. Paragraph (d) is added to subsection (2) of  
 325 section 288.0001, Florida Statutes, to read:

326 288.0001 Economic Development Programs Evaluation.—The  
 327 Office of Economic and Demographic Research and the Office of  
 328 Program Policy Analysis and Government Accountability (OPPAGA)  
 329 shall develop and present to the Governor, the President of the  
 330 Senate, the Speaker of the House of Representatives, and the  
 331 chairs of the legislative appropriations committees the Economic  
 332 Development Programs Evaluation.

333 (2) The Office of Economic and Demographic Research and  
 334 OPPAGA shall provide a detailed analysis of economic development  
 335 programs as provided in the following schedule:

336 (d) By January 1, 2019, and every 3 years thereafter, an  
 337 analysis of the grant and entrepreneur initiative programs  
 338 established under s. 295.21(3)(d) and (e).

339 Section 5. Section 295.065, Florida Statutes, is amended to  
 340 read:

341 295.065 Legislative intent.—It is the intent of the  
 342 Legislature to provide preference and priority in the hiring  
 343 practices of this state as set forth in this chapter. ~~¶~~ All  
 344 written job announcements and audio and video advertisements  
 345 used by employing agencies of the state and its political  
 346 subdivisions must include a notice stating, ~~there shall be a~~  
 347 notation that certain servicemembers, veterans, and spouses and  
 348 family members of veterans receive preference and priority in

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349 employment by the state and are encouraged to apply for the  
350 positions being filled.

351 Section 6. Section 295.07, Florida Statutes, is amended to  
352 read:

353 295.07 Preference in appointment and retention.—

354 (1) The state and its political subdivisions ~~in the state~~  
355 shall give preference in appointment and retention in positions  
356 of employment to:

357 (a) Those disabled veterans:

358 1. Who have served on active duty in any branch of the  
359 Armed Forces of the United States, have received an honorable  
360 discharge ~~been separated therefrom under honorable conditions,~~  
361 and have established the present existence of a service-  
362 connected disability that which is compensable under public laws  
363 administered by the United States U.S. Department of Veterans  
364 Veterans' Affairs; ~~r~~ or

365 2. Who are receiving compensation, disability retirement  
366 benefits, or pension by reason of public laws administered by  
367 the United States U.S. Department of Veterans Veterans' Affairs  
368 and the Department of Defense.

369 (b) The spouse of a any person who has a total disability,  
370 permanent in nature, resulting from a service-connected  
371 disability and who, because of this disability, cannot qualify  
372 for employment, and the spouse of a any person missing in  
373 action, captured in line of duty by a hostile force, or forcibly  
374 detained or interned in line of duty by a foreign government or  
375 power.

376 (c) A wartime veteran ~~of any war~~ as defined in s. 1.01(14).  
377 The veteran must have served at least 1 day during a wartime

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378 period to be eligible for veterans' preference. Active duty for  
379 training may shall not be allowed for eligibility under this  
380 paragraph.

381 (d) The unremarried widow or widower of a veteran who died  
382 of a service-connected disability.

383 (e) The mother, father, legal guardian, or unremarried  
384 widow or widower of a member of the United States Armed Forces  
385 who died in the line of duty under combat-related conditions, as  
386 verified by the United States Department of Defense.

387 (f) A veteran as defined in s. 1.01(14). Active duty for  
388 training may not be allowed for eligibility under this  
389 paragraph.

390 (g) A current member of any reserve component of the United  
391 States Armed Forces or the Florida National Guard.

392 (2) The Department of Veterans' Affairs shall adopt rules  
393 to ensure that veterans are given special consideration in the  
394 employing agency's selection and retention processes. The rules  
395 must include the award of point values as articulated in s.  
396 295.08, if applicable, or, where point values are not relevant,  
397 must include procedures to ensure that veterans are given  
398 special consideration at each step of the employment selection  
399 process, unless the sponsoring governmental entity is a party to  
400 a collective bargaining agreement, in which case the collective  
401 bargaining agreement must comply within 90 days following  
402 ratification of a successor collective bargaining agreement or  
403 extension of any existing collective bargaining agreement.

404 (3) Preference in employment and retention may be given  
405 only to eligible persons who are described in subsection (1) ~~and~~  
406 ~~who are residents of this state.~~

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407 (4) The following positions are exempt from this section:

408 (a) Those positions that are exempt from the state Career  
409 Service System under s. 110.205(2); however, all positions under  
410 the University Support Personnel System of the State University  
411 System as well as all Career Service System positions under the  
412 Florida College System and the School for the Deaf and the  
413 Blind, or the equivalent of such positions at state  
414 universities, Florida College System institutions, or the School  
415 for the Deaf and the Blind, are included.

416 (b) Positions in political subdivisions of the state which  
417 are filled by officers elected by popular vote or persons  
418 appointed to fill vacancies in such offices and the personal  
419 secretary of each such officer, members of boards and  
420 commissions, persons employed on a temporary basis without  
421 benefits, heads of departments, positions that require licensure  
422 as a physician, licensure as an osteopathic physician, licensure  
423 as a chiropractic physician, and positions that require that the  
424 employee be a member of The Florida Bar.

425 Section 7. Section 295.08, Florida Statutes, is amended to  
426 read:

427 295.08 Positions for which a numerically based selection  
428 process is used.—For positions for which an examination is used  
429 to determine the qualifications for entrance into employment  
430 with the state or political subdivisions in the state, 15 points  
431 shall be added to the earned ratings of a person included under  
432 s. 295.07(1)(a) and (b), 10 points shall be added to the earned  
433 ratings of a any person included under s. 295.07(1)(c), (d), or  
434 (e) s. 295.07(1)(a) or (b), and 5 points shall be added to the  
435 earned ratings ~~rating~~ of a any person included under s.

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436 295.07(1)(f) or (g) s. 295.07(1)(e) and (d), if the person has  
437 obtained a qualifying score on the examination for the position.  
438 The names of persons eligible for preference shall be entered on  
439 an appropriate register or list in accordance with their  
440 respective augmented ratings. However, except for classes of  
441 positions with Federal Government designations of professional  
442 or technician, the names of all persons qualified to receive a  
443 15-point ~~10-point~~ preference whose service-connected  
444 disabilities have been rated by the United States Department of  
445 Veterans Affairs or its predecessor or the Department of Defense  
446 to be 30 percent or more shall be placed at the top of the  
447 appropriate register or employment list, in accordance with  
448 their respective augmented ratings. The respective augmented  
449 rating is the examination score or evaluated score in addition  
450 to the applicable veteran's preference points.

451 Section 8. Section 295.085, Florida Statutes, is amended to  
452 read:

453 295.085 Positions for which a numerically based selection  
454 process is not used.—In all positions in which the appointment  
455 or employment of persons is not subject to a written  
456 examination, with the exception of positions that are exempt  
457 under s. 295.07(4), first preference in appointment, employment,  
458 and retention shall be given by the state and political  
459 subdivisions in the state to persons included under s.  
460 295.07(1)(a) and (b), and second preference shall be given to  
461 persons included under s. 295.07(1)(c)-(g), ~~s. 295.07(1)(e) and~~  
462 ~~(d)~~ who possess the minimum qualifications necessary to  
463 discharge the duties of the position involved.

464 Section 9. Section 295.20, Florida Statutes, is created to

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465 read:

466 295.20 Florida Is For Veterans, Inc.—

467 (1) CREATION.—There is created within the Department of  
 468 Veterans' Affairs a nonprofit corporation, to be known as  
 469 Florida Is For Veterans, Inc., which shall be registered,  
 470 incorporated, organized, and operated in compliance with chapter  
 471 617, and which is not a unit or entity of state government. As  
 472 used in this section and s. 295.21, unless the context indicates  
 473 otherwise, the term "corporation" means Florida Is For Veterans,  
 474 Inc. The corporation is a separate budget entity and is not  
 475 subject to the control, supervision, or direction of the  
 476 department in areas, including, but not limited to, personnel,  
 477 purchasing, transactions involving real or personal property, or  
 478 budgetary matters.

479 (2) PURPOSE.—The purpose of the corporation is to promote  
 480 Florida as a veteran-friendly state that seeks to equip veterans  
 481 for employment opportunities and that promotes the hiring of  
 482 veterans by the business community. The corporation should  
 483 encourage retired and recently separated military personnel to  
 484 keep or make Florida their permanent residence. The corporation  
 485 shall promote the value of military skill sets to Florida  
 486 businesses, assist in tailoring the training of veterans to  
 487 match the needs of the employment marketplace, and enhance the  
 488 entrepreneurial skills of veterans.

489 (3) DUTIES.—The corporation shall:

490 (a) Contract with one or more entities in accordance with  
 491 competitive bidding requirements in s. 287.057. Such entity must  
 492 have experience conducting market research on the veteran  
 493 demographic and the tools to reach a target market on a

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494 nationwide basis. The corporation shall contract with such  
 495 entity specifically to:

496 1. Conduct research to identify the target market and the  
 497 educational and employment needs of those in the target market.

498 2. Develop and conduct a marketing campaign to encourage  
 499 retired and recently separated military personnel to remain in  
 500 Florida or to make Florida their permanent residence.

501 3. Develop a process for the dissemination of information  
 502 to the target market and targeting that information to the  
 503 interests and needs of veterans of all ages, and which  
 504 facilitates veterans' knowledge of and access to benefits.

505 (b) Promote and enhance the value of military skill sets to  
 506 businesses.

507 (c) Implement the Veterans Employment and Training Services  
 508 Program established by s. 295.21.

509 (d) Responsibly and prudently manage all funds received,  
 510 and ensure that the use of such funds is in accordance with all  
 511 applicable laws, bylaws, or contractual requirements.

512 (e) Administer the programs created in this section and s.  
 513 295.21.

514 (4) GOVERNANCE.—

515 (a) The corporation shall be governed by a 9-member board  
 516 of directors. The Governor, the President of the Senate, and the  
 517 Speaker of the House of Representatives shall each appoint three  
 518 members to the board. In making appointments, the Governor, the  
 519 President of the Senate, and the Speaker of the House of  
 520 Representatives must consider representation by active or  
 521 retired military personnel and their spouses representing a  
 522 range of ages and persons with expertise in business, education,

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523 marketing, and information management.

524 (b) The board of directors shall annually elect a  
525 chairperson from among the board's members.

526 (c) Each member of the board of directors shall be  
527 appointed for a term of 4 years, except that, to achieve  
528 staggered terms, the initial appointees of the Governor shall be  
529 appointed to terms of 2 years. A member is ineligible for  
530 reappointment to the board except that any member appointed to a  
531 term of 2 years or less may be reappointed for an additional  
532 term of 4 years. The initial appointments to the board must be  
533 made by November 15, 2014. Vacancies on the board of directors  
534 shall be filled by the officer who originally appointed the  
535 member. A vacancy that occurs before the scheduled expiration of  
536 the term of the member shall be filled for the remainder of the  
537 unexpired term.

538 (d) The Legislature finds that it is in the public interest  
539 for the members of the board of directors to be subject to the  
540 requirements of ss. 112.313, 112.3135, and 112.3143,  
541 notwithstanding the fact that they are not public officers or  
542 employees. For purposes of those sections, board members shall  
543 be considered to be public officers or employees. In addition to  
544 the postemployment restrictions of s. 112.313(9), a person  
545 appointed to the board of directors may not have direct interest  
546 in a contract, franchise, privilege, project, program, or other  
547 benefit arising from an award by the corporation during the  
548 appointment term and for 2 years after the termination of such  
549 appointment. It is a misdemeanor of the first degree, punishable  
550 as provided in s. 775.082 or s. 775.083, for a person to accept  
551 appointment to the board of directors in violation of this

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552 subsection or to accept a direct interest in any contract,  
553 franchise, privilege, project, program, or other benefit granted  
554 by the corporation to an awardee within 2 years after the  
555 termination of his or her service on the board. Further, each  
556 member of the board of directors who is not otherwise required  
557 to file financial disclosure under s. 8, Art. II of the State  
558 Constitution or s. 112.3144 shall file a statement of financial  
559 interests under s. 112.3145.

560 (e) Each member of the board of directors shall serve  
561 without compensation, but shall receive reimbursement for travel  
562 and per diem expenses as provided in s. 112.061 while performing  
563 his or her duties.

564 (f) Each member of the board of directors is accountable  
565 for the proper performance of the duties of office and owes a  
566 fiduciary duty to the people of this state to ensure that awards  
567 provided are disbursed and used as prescribed by law and  
568 contract. An appointed member of the board of directors may be  
569 removed by the officer who appointed the member for malfeasance,  
570 misfeasance, neglect of duty, incompetence, permanent inability  
571 to perform official duties, unexcused absence from three  
572 consecutive board meetings, arrest, or indictment for a crime  
573 that is a felony or a misdemeanor involving theft or a crime of  
574 dishonesty, or pleading nolo contendere to or being found guilty  
575 of any crime.

576 (g) A majority of the members of the board of directors  
577 constitutes a quorum. Council meetings may be held via  
578 teleconference or other electronic means.

579 (5) POWERS.—In addition to the powers and duties prescribed  
580 in chapter 617 and the articles and bylaws adopted thereunder,

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581 the board of directors may:

582 (a) Make and enter into contracts and other instruments  
583 necessary or convenient for the exercise of its powers and  
584 functions. However, notwithstanding s. 617.0302, the corporation  
585 may not issue bonds.

586 (b) Make expenditures, including any necessary  
587 administrative expenditure.

588 (c) Adopt, amend, and repeal bylaws, consistent with the  
589 powers granted to it under this section or the articles of  
590 incorporation, for the administration of the activities of the  
591 corporation, and the exercise of its corporate powers.

592 (d) Accept funding for its programs and activities from  
593 federal, state, local, and private sources.

594 (e) Adopt and register a fictitious name for use in its  
595 marketing activities.

596 (f) Provide for the reversion of moneys and property held  
597 by the corporation to the state if the corporation ceases to  
598 exist.

600 The credit of the State of Florida may not be pledged on behalf  
601 of the corporation.

602 (6) APPLICABILITY OF PUBLIC RECORDS AND MEETINGS LAWS.—The  
603 corporation is subject to the provisions of chapters 119 and 286  
604 relating to public records and meetings, respectively.

605 (7) STAFFING AND ASSISTANCE.—

606 (a) The corporation is authorized to hire or contract for  
607 all staff necessary for the proper execution of its powers and  
608 duties. All employees of the corporation shall comply with the  
609 Code of Ethics for Public Officers and Employees under part III

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610 of chapter 112. Corporation staff must agree to refrain from  
611 having any direct interest in any contract, franchise,  
612 privilege, project, program, or other benefit arising from an  
613 award by the corporation during the term of their appointment  
614 and for 2 years after the termination of such appointment.

615 (b) All agencies of the state are authorized and directed  
616 to provide such technical assistance as the corporation may  
617 require to identify programs within each agency which provide  
618 assistance or benefits to veterans who are located in this state  
619 or who are considering relocation to this state.

620 (c) The Department of Veterans' Affairs may authorize the  
621 corporation's use of the department's property, facilities, and  
622 personal services, subject to this section. The department may  
623 prescribe by contract any condition with which the corporation  
624 must comply in order to use the department's property,  
625 facilities, or personal services.

626 (d) The department may not authorize the use of its  
627 property, facilities, or personal services if the corporation  
628 does not provide equal employment opportunities to all persons  
629 regardless of race, color, religion, sex, age, or national  
630 origin.

631 (8) REPORTS.—The corporation shall submit an annual  
632 progress report and work plan by each December 1 to the  
633 Governor, the President of the Senate, and the Speaker of the  
634 House of Representatives. The report must include:

635 (a) Status and summary of findings regarding the target  
636 market, veteran benefits, and any identified gaps in services.

637 (b) Status of the marketing campaign, delivery systems of  
638 the marketing campaign, and outreach to the target market.

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639 (c) Status of the Veterans Employment and Training Services  
640 Program administered under s. 295.21.

641 (d) Proposed revisions or additions to performance  
642 measurements for the programs administered by the corporation.

643 (e) Identification of contracts that the corporation has  
644 entered into to carry out its duties.

645 (f) An annual compliance and financial audit of accounts  
646 and records for the previous fiscal year prepared by an  
647 independent certified public accountant in accordance with rules  
648 adopted by the Auditor General.

649 Section 10. By February 1, 2018, the Office of Program  
650 Policy Analysis and Government Accountability shall conduct a  
651 performance audit of Florida Is For Veterans, Inc. The audit  
652 shall assess the implementation and outcomes of activities under  
653 ss. 295.20 and 295.21, Florida Statutes, and evaluate the  
654 corporation's accomplishments and progress toward making Florida  
655 a veteran-friendly state. The audit must provide recommendations  
656 for any necessary improvements. The report of the audit's  
657 findings shall be submitted to the President of the Senate and  
658 the Speaker of the House of Representatives.

659 Section 11. Section 295.21, Florida Statutes, is created to  
660 read:

661 295.21 Veterans Employment and Training Services Program.—

662 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds  
663 that this state has a compelling interest in ensuring that each  
664 veteran who is a resident of this state finds employment that  
665 meets his or her professional goals and receives the training or  
666 education necessary to meet those goals. The Legislature also  
667 finds that connecting dedicated, well-trained veterans with

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668 businesses that need a dedicated, well-trained workforce is of  
669 paramount importance. The Legislature recognizes that veterans  
670 may not currently have the skills to meet the workforce needs of  
671 Florida employers and may require assistance in obtaining  
672 additional workforce training or in transitioning their skills  
673 to meet the demands of the marketplace. It is the intent of the  
674 Legislature that the Veterans Employment and Training Services  
675 Program coordinate and meet the needs of veterans and the  
676 business community to enhance the economy of this state.

677 (2) CREATION.—The Veterans Employment and Training Services  
678 Program is created within the Department of Veterans' Affairs to  
679 assist in linking veterans in search of employment with  
680 businesses seeking to hire dedicated, well-trained workers. The  
681 purpose of the program is to meet the workforce demands of  
682 Florida businesses by facilitating access to training and  
683 education in high-demand fields for veterans.

684 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
685 administer the Veterans Employment and Training Services Program  
686 and perform all of the following functions:

687 (a) Conduct marketing and recruiting efforts directed at  
688 veterans who reside in or who have an interest in relocating to  
689 this state and who are seeking employment. Marketing must  
690 include information related to how a veteran's military  
691 experience can be valuable to a business. Such efforts may  
692 include attending veteran job fairs and events, hosting events  
693 for veterans or the business community, and using digital and  
694 social media and direct mail campaigns. The corporation shall  
695 also include such marketing as part of its main marketing  
696 campaign.

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697 (b) Assist veterans who reside in or relocate to this state  
 698 and who are seeking employment. The corporation shall offer  
 699 skills assessments to veterans and assist them in establishing  
 700 employment goals and applying for and achieving gainful  
 701 employment.

702 1. Assessment may include skill match information, skill  
 703 gap analysis, resume creation, translation of military skills  
 704 into civilian workforce skills, and translation of military  
 705 achievements and experience to generally understood civilian  
 706 workforce skills.

707 2. Assistance may include providing the veteran with  
 708 information on current workforce demand by industry or  
 709 geographic region, creating employment goals, and aiding or  
 710 teaching general knowledge related to completing applications.  
 711 The corporation may provide information related to industry  
 712 certifications approved by the Department of Education under s.  
 713 1008.44 as well as information related to earning academic  
 714 college credit at public postsecondary educational institutions  
 715 for college-level training and education acquired in the  
 716 military under s. 1004.096.

717 3. The corporation shall encourage veterans to register  
 718 with the state's job bank system and may refer veterans to local  
 719 one-stop career centers for further services. The corporation  
 720 shall provide each veteran with information about state  
 721 workforce programs and shall consolidate information about all  
 722 available resources on one website that, if possible, includes a  
 723 hyperlink to each resource's website and contact information, if  
 724 available. If appropriate, a veteran shall be encouraged to  
 725 participate in the Complete Florida Degree Program established

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726 under s. 1006.735.

727 4. Assessment and assistance may be in person or by  
 728 electronic means, as determined by the corporation to be most  
 729 efficient and best meet the needs of veterans.

730 (c) Assist Florida businesses in recruiting and hiring  
 731 veterans. The corporation shall provide services to Florida  
 732 businesses to meet their hiring needs by connecting businesses  
 733 with suitable veteran applicants for employment. Suitable  
 734 applicants include veterans who have appropriate job skills or  
 735 may need additional training to meet a business's specific  
 736 needs. The corporation shall also provide information about the  
 737 state and federal benefits of hiring veterans.

738 (d) Create a grant program to provide funding to assist  
 739 veterans in meeting the workforce-skill needs of businesses  
 740 seeking to hire veterans, establish criteria for approval of  
 741 requests for funding, and maximize the use of funding for this  
 742 program. Grant funds may be used only in the absence of  
 743 available veteran-specific federally funded programs. Grants may  
 744 fund specialized training specific to a particular business.

745 1. Grant funds may be allocated to any training provider  
 746 selected by the business, including a career center, a Florida  
 747 College System institution, a state university, or an in-house  
 748 training provider of the business. If grant funds are used to  
 749 provide a technical certificate, a licensure, or a degree, funds  
 750 may be allocated only upon a review that includes, but is not  
 751 limited to, accreditation and licensure documentation.  
 752 Instruction funded through the program must terminate when  
 753 participants demonstrate competence at the level specified in  
 754 the request; however, the grant term may not exceed 48 months.

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755 Preference shall be given to target industry businesses, as  
 756 defined in s. 288.106, and to businesses in the defense supply,  
 757 cloud virtualization, or commercial aviation manufacturing  
 758 industries.

759 2. Costs and expenditures for the grant program must be  
 760 documented and separated from those incurred by the training  
 761 provider. Costs and expenditures shall be limited to \$8,000 per  
 762 veteran trainee. Eligible costs and expenditures include:

- 763 a. Tuition and fees;
- 764 b. Curriculum development;
- 765 c. Books and classroom materials;
- 766 d. Rental fees for facilities at public colleges and  
 767 universities, including virtual training labs; and
- 768 e. Overhead or indirect costs not to exceed 5 percent of  
 769 the grant amount.

770 3. Before funds are allocated for a request pursuant to  
 771 this section, the corporation shall prepare a grant agreement  
 772 between the business requesting funds, the educational  
 773 institution or training provider receiving funding through the  
 774 program, and the corporation. Such agreement must include, but  
 775 need not be limited to:

- 776 a. Identification of the personnel necessary to conduct the  
 777 instructional program, the qualifications of such personnel, and  
 778 the respective responsibilities of the parties for paying costs  
 779 associated with the employment of such personnel.
- 780 b. Identification of the match provided by the business,  
 781 including cash and in-kind contributions, equal to at least 50  
 782 percent of the total grant amount.
- 783 c. Identification of the estimated duration of the

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784 instructional program.

785 d. Identification of all direct, training-related costs.

786 e. Identification of special program requirements that are  
 787 not otherwise addressed in the agreement.

788 f. Permission to access aggregate information specific to  
 789 the wages and performance of participants upon the completion of  
 790 instruction for evaluation purposes. The agreement must specify  
 791 that any evaluation published subsequent to the instruction may  
 792 not identify the employer or any individual participant.

793 4. A business may receive a grant under the Quick-Response  
 794 Training Program created under s. 288.047 and a grant under this  
 795 section for the same veteran trainee. If a business receives  
 796 funds under both programs, one grant agreement may be entered  
 797 into with Workforce Florida, Inc., as the grant administrator.

798 (e) Contract with one or more entities to administer an  
 799 entrepreneur initiative program for veterans in this state which  
 800 connects Florida's business leaders with veterans seeking to  
 801 become entrepreneurs.

802 1. The corporation shall award each contract in accordance  
 803 with the competitive bidding requirements in s. 287.057 to one  
 804 or more public or private universities that:

- 805 a. Demonstrate the ability to implement the program and the  
 806 commitment of university resources, including financial  
 807 resources, to such programs;
- 808 b. Have a military and veteran resource center;
- 809 c. Have a regional small business development center in the  
 810 Florida Small Business Development Center Network; and
- 811 d. As determined by the corporation, have been nationally  
 812 recognized for commitment to the military and veterans.

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813 2. Each contract must include performance metrics,  
 814 including a focus on employment and business creation. Each  
 815 university must coordinate with any entrepreneurship center  
 816 located at the university. The university may also work with an  
 817 entity offering related programs to refer veterans or to provide  
 818 services. The entrepreneur initiative program may include  
 819 activities and assistance such as peer-to-peer learning  
 820 sessions, mentoring, technical assistance, business roundtables,  
 821 networking opportunities, support of student organizations,  
 822 speaker series, or other tools within a virtual environment.

823 (4) DUTIES OF ENTERPRISE FLORIDA, INC.—Enterprise Florida,  
 824 Inc., shall provide information about the corporation and its  
 825 services to prospective, new, expanding, and relocating  
 826 businesses seeking to conduct business in this state. Enterprise  
 827 Florida, Inc., shall, to the greatest extent possible,  
 828 collaborate with the corporation to meet the employment needs,  
 829 including meeting job creation requirements, of any business  
 830 receiving assistance or services from Enterprise Florida, Inc.

831 Section 12. By February 2, 2015, Florida Is For Veterans,  
 832 Inc., shall submit a report to the Governor, the President of  
 833 the Senate, and the Speaker of the House of Representatives  
 834 identifying existing gaps in veteran resources and recommending  
 835 best practices that may be employed in assisting veterans and  
 836 improvements to current or new resources and programs.

837 Section 13. Paragraph (b) of subsection (2) of section  
 838 296.06, Florida Statutes, is amended to read:

839 296.06 State policy; eligibility requirements.—

840 (2) To be eligible for residency in the home, a veteran  
 841 must:

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

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842 (b) ~~Have been a resident of the state for 1 year~~  
 843 ~~immediately preceding application and~~ Be a resident of the state  
 844 at the time of application.

845 Section 14. Paragraph (b) of subsection (1) of section  
 846 296.36, Florida Statutes, is amended to read:

847 296.36 Eligibility and priority of admittance.—

848 (1) To be eligible for admittance to the home, the person  
 849 must be a veteran as provided in s. 1.01(14) or have eligible  
 850 peacetime service as defined in s. 296.02 and must:

851 (b) ~~Be Have been a resident of the state for 1 year~~  
 852 ~~immediately preceding, and~~ at the time of application for,  
 853 admission to the home.

854 Section 15. Subsection (12) of section 455.213, Florida  
 855 Statutes, is amended to read:

856 455.213 General licensing provisions.—

857 (12) The department shall waive the initial licensing fee,  
 858 the initial application fee, and the initial unlicensed activity  
 859 fee for a military veteran or his or her spouse at the time of  
 860 discharge, if he or she ~~who~~ applies to the department for a  
 861 license, in a format prescribed by the department, within 60 ~~24~~  
 862 months after the veteran is discharged ~~discharge~~ from any branch  
 863 of the United States Armed Forces. To qualify for this waiver,  
 864 the veteran must have been honorably discharged.

865 Section 16. Subsection (13) of section 456.013, Florida  
 866 Statutes, is amended to read:

867 456.013 Department; general licensing provisions.—

868 (13) The department shall waive the initial licensing fee,  
 869 the initial application fee, and the initial unlicensed activity  
 870 fee for a military veteran or his or her spouse at the time of

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

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871 discharge, if he or she ~~who~~ applies to the department for an  
 872 initial license within 60 24 months after the veteran is being  
 873 honorably discharged from any branch of the United States Armed  
 874 Forces. The applicant must apply for the fee waiver using a form  
 875 prescribed by the department and must submit supporting  
 876 documentation as required by the department.

877 Section 17. Subsection (1) of section 468.304, Florida  
 878 Statutes, is amended to read:

879 468.304 Certification.—The department shall certify any  
 880 applicant who meets the following criteria:

881 (1) Pays to the department a nonrefundable fee that may not  
 882 exceed \$100, plus the actual per-applicant cost to the  
 883 department for purchasing the examination from a national  
 884 organization. The department shall waive the initial application  
 885 fee for a military veteran or his or her spouse at the time of  
 886 discharge, if he or she ~~who~~ applies to the department for an  
 887 initial certification within 60 24 months after the veteran is  
 888 ~~being~~ honorably discharged from any branch of the United States  
 889 Armed Forces. The applicant must apply for the fee waiver using  
 890 a form prescribed by the department and must submit supporting  
 891 documentation as required by the department. This waiver does  
 892 not include the fee for purchasing the examination from a  
 893 national organization.

894  
 895 The department may not certify any applicant who has committed  
 896 an offense that would constitute a violation of any of the  
 897 provisions of s. 468.3101 or applicable rules if the applicant  
 898 had been certified by the department at the time of the offense.  
 899 An application for a limited computed tomography certificate may

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900 not be accepted. A person holding a valid computed tomography  
 901 certificate as of October 1, 1984, is subject to s. 468.309.

902 Section 18. Paragraph (b) of subsection (16) of section  
 903 499.012, Florida Statutes, is amended to read:

904 499.012 Permit application requirements.—

905 (16)

906 (b) To be certified as a designated representative, a  
 907 natural person must:

908 1. Submit an application on a form furnished by the  
 909 department and pay the appropriate fees;

910 2. Be at least 18 years of age;

911 3. Have at least ~~not less than~~ 2 years of verifiable full-  
 912 time:

913 a. Work experience in a pharmacy licensed in this state or  
 914 another state, where the person's responsibilities included, but  
 915 were not limited to, recordkeeping for prescription drugs; ~~or~~  
 916 ~~have not less than 2 years of verifiable full-time~~

917 b. Managerial experience with a prescription drug wholesale  
 918 distributor licensed in this state or in another state; or

919 c. Managerial experience with the United States Armed  
 920 Forces, where the person's responsibilities included, but were  
 921 not limited to, recordkeeping, warehousing, distribution, or  
 922 other logistics services pertaining to prescription drugs;

923 4. Receive a passing score of at least 75 percent on an  
 924 examination given by the department regarding federal laws  
 925 governing distribution of prescription drugs and this part and  
 926 the rules adopted by the department governing the wholesale  
 927 distribution of prescription drugs. This requirement shall be  
 928 effective 1 year after the results of the initial examination

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929 are mailed to the persons that took the examination. The  
930 department shall offer such examinations at least four times  
931 each calendar year; and

932 5. Provide the department with a personal information  
933 statement and fingerprints pursuant to subsection (9).

934 Section 19. For the purpose of incorporating the amendment  
935 made by this act to section 295.07, Florida Statutes, in a  
936 reference thereto, paragraph (f) of subsection (4) of section  
937 1002.36, Florida Statutes, is reenacted to read:

938 1002.36 Florida School for the Deaf and the Blind.—

939 (4) BOARD OF TRUSTEES.—

940 (f) The board of trustees shall:

941 1. Prepare and submit legislative budget requests for  
942 operations and fixed capital outlay, in accordance with chapter  
943 216 and ss. 1011.56 and 1013.60, to the Department of Education  
944 for review and approval. The department must analyze the amount  
945 requested for fixed capital outlay to determine if the request  
946 is consistent with the school's campus master plan, educational  
947 plant survey, and facilities master plan. Projections of  
948 facility space needs may exceed the norm space and occupant  
949 design criteria established in the State Requirements for  
950 Educational Facilities.

951 2. Approve and administer an annual operating budget in  
952 accordance with ss. 1011.56 and 1011.57.

953 3. Require all funds received other than gifts, donations,  
954 bequests, funds raised by or belonging to student clubs or  
955 student organizations, and funds held for specific students or  
956 in accounts for individual students to be deposited in the State  
957 Treasury and expended as authorized in the General

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958 Appropriations Act.

959 4. Require all purchases to be in accordance with the  
960 provisions of chapter 287 except for purchases made with funds  
961 received as gifts, donations, or bequests; funds raised by or  
962 belonging to student clubs or student organizations; or funds  
963 held for specific students or in accounts for individual  
964 students.

965 5. Administer and maintain personnel programs for all  
966 employees of the board of trustees and the Florida School for  
967 the Deaf and the Blind who shall be state employees, including  
968 the personnel classification and pay plan established in  
969 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for  
970 academic and academic administrative personnel, the provisions  
971 of chapter 110, and the provisions of law that grant authority  
972 to the Department of Management Services over such programs for  
973 state employees.

974 6. Give preference in appointment and retention in  
975 positions of employment as provided within s. 295.07(1).

976 7. Ensure that the Florida School for the Deaf and the  
977 Blind complies with s. 1013.351 concerning the coordination of  
978 planning between the Florida School for the Deaf and the Blind  
979 and local governing bodies.

980 8. Ensure that the Florida School for the Deaf and the  
981 Blind complies with s. 112.061 concerning per diem and travel  
982 expenses of public officers, employees, and authorized persons  
983 with respect to all funds other than funds received as gifts,  
984 donations, or bequests; funds raised by or belonging to student  
985 clubs or student organizations; or funds held for specific  
986 students or in accounts for individual students.

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987 9. Adopt a master plan which specifies the mission and  
988 objectives of the Florida School for the Deaf and the Blind. The  
989 plan shall include, but not be limited to, procedures for  
990 systematically measuring the school's progress toward meeting  
991 its objectives, analyzing changes in the student population, and  
992 modifying school programs and services to respond to such  
993 changes. The plan shall be for a period of 5 years and shall be  
994 reviewed for needed modifications every 2 years. The board of  
995 trustees shall submit the initial plan and subsequent  
996 modifications to the Speaker of the House of Representatives and  
997 the President of the Senate.

998 10. Designate a portion of the school as "The Verle Allyn  
999 Pope Complex for the Deaf," in tribute to the late Senator Verle  
1000 Allyn Pope.

1001 Section 20. This act shall take effect July 1, 2014.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/4/14

Meeting Date

Topic Veteran training & education

Bill Number SB 7020

Name Joe Marino

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title President

\_\_\_\_\_ *(if applicable)*

Address 4067 Roscrea Dr

Phone 850-320-8780

Street

Tall

FL

State

32309

Zip

E-mail joe.marino@fl-dc.org

Speaking:  For  Against  Information

Representing Florida Defense Contractors Association

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  
**APPEARANCE RECORD**

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

02/04/2014  
Meeting Date

Topic \_\_\_\_\_

Bill Number 7020  
(if applicable)

Name Col (Ret) Washington Sanchez

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title CHAIRMAN, FLORIDA VETERANS FOUNDATION

Address 400 South Monroe Street

Phone 850-408-4181

Tallahassee FL 32399  
City State Zip

E-mail SANchez W @FDVA.STATE.FL.US

Speaking:  For  Against  Information

Representing FLORIDA VETERANS FOUNDATION

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  
**APPEARANCE RECORD**

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

2/4/2014  
Meeting Date

Topic Military and Veterans Affairs

Bill Number SB 7020  
*(if applicable)*

Name Bobby Carbonell

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Legislative & Cabinet Affairs Director

Address The Capitol, Suite 2105, 400 South <sup>MONROE</sup> STREET

Phone (850) 487-1533

Tallahassee FL 32399  
City State Zip

E-mail CARBONELLR@fdva.State.FL.US

Speaking:  For  Against  Information

Representing The Florida Department of Veterans' Affairs

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.)

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

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BILL: SPB 7022

INTRODUCER: For consideration by the Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: OGSR/Florida Defense Support Task Force

DATE: February 3, 2014      REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Spaulding</u>	<u>Ryon</u>	_____	<b>Submitted as Committee Bill</b>

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**I. Summary:**

SPB 7022 is the result of an Open Government Sunset Review performed by the Military and Veterans Affairs, Space, and Domestic Security Committee.

Current law<sup>1</sup> provides a public records and public meetings exemption<sup>2</sup> to enable the Florida Defense Support Task Force to evaluate the strengths and weaknesses of Florida's military installations and missions relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense (DoD) Base Realignment and Closure (BRAC) process. BRAC is the process that the DoD has previously used to reorganize its installation infrastructure to more efficiently and effectively support its forces, and to reduce defense costs.<sup>3</sup> There have been five previous BRACs.<sup>4</sup> In the FY 2014 Defense Budget Proposal, the DoD proposed a 2015 BRAC,<sup>5</sup> however the Consolidated Appropriations Act of 2014 did not include a BRAC provision.<sup>6</sup>

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<sup>1</sup> Section 288.985(5), F.S.

<sup>2</sup> Chapter 2009-156, ss. 1-3, Laws of Fla. (creating s. 288.985, F.S., effective July 1, 2009).

<sup>3</sup> Pub. Law No. 100-526, 100th Cong. (October 24, 1988); United States Department of Defense Base Realignment and Closure, BRAC Definitions, [http://www.defense.gov/brac/definitions\\_brac2005.html](http://www.defense.gov/brac/definitions_brac2005.html), last viewed January 28, 2014.

<sup>4</sup> United States Department of Defense Base Realignment and Closure, Prior BRAC Rounds (BRAC 1988, 1991, 1993 & 1995), Executive Summary Fiscal Year (FY) 2012 Budget Estimates, [http://comptroller.defense.gov/defbudget/fy2012/budget\\_justification/pdfs/05\\_BRAC/OLD\\_BRAC\\_Exec\\_Sum\\_FY2012\\_PB.pdf](http://comptroller.defense.gov/defbudget/fy2012/budget_justification/pdfs/05_BRAC/OLD_BRAC_Exec_Sum_FY2012_PB.pdf), last viewed January 28, 2014; Defense Base Closure and Realignment Commission, <http://www.brac.gov/>, last viewed January 28, 2014.

<sup>5</sup> United States Department of Defense, Summary of the DoD Fiscal Year 2014 Budget Proposal, <http://www.defense.gov/news/2014budget.pdf>, last viewed January 28, 2014.

<sup>6</sup> Public Law No: 113-076

## II. Present Situation:

### Public Records and Open Meetings Requirements

The Florida Constitution specifies requirements for public access to government records and meetings. It provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.<sup>7</sup> The records of the legislative, executive, and judicial branches are specifically included.<sup>8</sup> The Florida Constitution also requires all meetings of any collegial public body of the executive branch of state government or of any local government, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, to be open and noticed to the public.<sup>9</sup>

In addition to the Florida Constitution, the Florida Statutes specify conditions under which public access must be provided to government records and meetings. The Public Records Act<sup>10</sup> guarantees every person's right to inspect and copy any state or local government public record<sup>11</sup> at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>12</sup> The Sunshine Law<sup>13</sup> requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken to be noticed and open to the public.<sup>14</sup>

Only the Legislature may create an exemption to public records or open meetings requirements.<sup>15</sup> Such an exemption must be created by general law and must specifically state the public

<sup>7</sup> FLA. CONST., art. I, s. 24(a).

<sup>8</sup> *Id.*

<sup>9</sup> FLA. CONST., art. I, s. 24(b).

<sup>10</sup> Chapter 119, F.S.

<sup>11</sup> Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

<sup>12</sup> Section 119.07(1)(a), F.S.

<sup>13</sup> Section 286.011, F.S.

<sup>14</sup> Section 286.011(1)-(2), F.S. The Sunshine Law does not apply to the Legislature; rather, open meetings requirements for the Legislature are set out in Art. III, s. 4(e) of the Florida Constitution. That section requires the rules of procedure of each house to provide that:

- All legislative committee and subcommittee meetings of each house and of joint conference committee meetings must be open and noticed to the public; and
- All prearranged gatherings, between more than two members of the Legislature, or between the Governor, the President of the Senate, or the Speaker of the House of Representatives, the purpose of which is to agree upon or to take formal legislative action, must be reasonably open to the public.

<sup>15</sup> FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as

necessity justifying the exemption.<sup>16</sup> Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions<sup>17</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>18</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>19</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>20</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>21</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
- It 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
- It protects trade or business secrets.<sup>22</sup>

The Act also requires specified questions to be considered during the review process.<sup>23</sup>

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confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see* Attorney General Opinion 85-62, August 1, 1985).

<sup>16</sup> FLA. CONST., art. I, s. 24(c).

<sup>17</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>18</sup> FLA. CONST., art. I, s. 24(c).

<sup>19</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>20</sup> Section 119.15(3), F.S.

<sup>21</sup> Section 119.15(6)(b), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

When reenacting an exemption that will repeal, a public necessity statement and a two-thirds vote for passage are required if the exemption is expanded.<sup>24</sup> A public necessity statement and a two-thirds vote for passage are not required if the exemption is reenacted with grammatical or stylistic changes that do not expand the exemption, if the exemption is narrowed, or if an exception<sup>25</sup> to the exemption is created.<sup>26</sup>

### **U.S. Department of Defense Base Realignment and Closure Process**

The base realignment and closure process, commonly referred to as “BRAC,” is the process in which military installations across the nation are reviewed to determine whether functions and bases can be consolidated or closed. The BRAC process reflects the Department of Defense’s (DoD) desire to eliminate excess capacity, experience the savings from that reduction in capacity, and fund higher priority weapon platforms and troop training.

Under a BRAC process, the Secretary of Defense makes recommendations to a Commission, nominated by the President and confirmed by the Senate. The Commission is established to provide an objective, non-partisan, and independent review and analysis of the list of military installation recommendations issued by the DoD. The Commission transmits to the President a report containing its findings and conclusions based on the review and analysis of the Secretary of Defense’s recommendations. The President then either approves the recommendations of the Commission which go into effect unless disapproved by a joint resolution of the Congress, or disapproves the recommendations in which the Commission submits revised recommendations.<sup>27</sup>

All BRAC commissions use a fair, open, and equitable process, as set forth by statute to recommend the closure and realignment of military bases or military missions. While giving priority to the criteria of military value, the Commission takes into account the human impact of the base closures. Additionally, it considers the possible economic, environmental, and other effects on the surrounding communities.<sup>28</sup> The loss of jobs related to a BRAC can pose significant challenges for affected communities. The impact of a BRAC can be greater and the economic recovery slowest in rural areas. Early planning and decisive leadership from officials are important factors in addressing local socioeconomic impacts from base realignment and closing.<sup>29</sup>

Since 1988, Congress has approved five BRAC rounds, which occurred in 1988, 1991, 1993, 1995, and 2005. During the four BRAC rounds that occurred from 1988 to 1995, 501 military bases, military commands, and military housing developments were recommended closed, realigned, or a previous BRAC’s decision was recommended redirected (changed). Twenty-

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<sup>24</sup> An exemption is expanded when it is amended to include more records, information, or meetings or to include meetings as well as records, or records as well as meetings.

<sup>25</sup> An example of an exception to a public records exemption would be allowing an additional agency access to confidential and exempt records.

<sup>26</sup> See *State of Florida v. Ronald Knight*, 661 So.2d 344 (Fla. 4th DCA 1995) (holding that nothing in s. 24, art. I of the Florida Constitution requires exceptions to a public records exemption to contain a public necessity statement).

<sup>27</sup> United States Department of Defense Base Realignment and Closure 2005. Frequently Asked Questions. <http://www.defense.gov/brac/faqs001.html>.

<sup>28</sup> Defense Base Closure and Realignment Commission, <http://www.brac.gov/>, last viewed January 28, 2014.

<sup>29</sup> Congressional Research Service, Military Base Closures: Socioeconomic Impacts, February 7, 2012, <http://www.fas.org/sgp/crs/natsec/RS22147.pdf>, last viewed January 28, 2014.

seven of those decisions (5%) were military bases or military commands located in Florida.<sup>30</sup> During the 2005 BRAC, 22 base closures were recommended by the Commission, in which no Florida bases were included. The same 2005 Commission recommended 30 major realignments, of which only one effected a Florida installation.<sup>31</sup>

The state of Florida has recognized the threat which BRAC decisions pose to the state's economy, and thus along the way, has established organizations with the direct mission to enhance Florida's military value and to advocate on behalf of the state. Such entities include the Governor's Advisory Council on Base Realignment and Closure (created in 2003), the Florida Council on Military Base and Mission Support (created in 2009), and the Florida Defense Support Task Force (created in 2011). The Florida Defense Support Task Force is the single entity currently in existence charged with a BRAC-focused mission.

### **Florida Defense Support Task Force**

The Legislature created the Florida Defense Support Task Force (Task Force)<sup>32</sup> in 2011 and tasked it to make recommendations to preserve and protect military installations and to support the state's position in research and development related to military missions and contracting. The Task Force is also charged with improving the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.<sup>33</sup>

The Task Force is comprised of the Governor, or his or her designee, and 12 members representing defense-related industries or communities that host military bases and installations. The Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint 4 members to serve on the Task Force.<sup>34</sup>

The Task Force accomplishes its mission in a variety of ways including the following examples:

- Conducting detailed research and analysis of the military value of all installations in the state;
- Advocating on behalf of Florida's military installations;
- Assisting the state in the purchase of land to prevent encroachment from impacting mission capabilities for military installations in Florida;
- Improving transportation access and infrastructure to military installations in the state;
- Assisting Florida installations in meeting DoD renewable energy goals; and
- Supporting military families through various initiatives including funding Florida's dues to the Interstate Compact on Educational Opportunity for Military Children in previous years.<sup>35</sup>

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<sup>30</sup> 2005 Defense Base Closure and Realignment Commission Report, Appendix F: Base Closures and Realignments by State: 1995, 1993, 1991, and 1988, <http://www.brac.gov/docs/final/AppendixF.pdf>, last viewed January 28, 2014.

<sup>31</sup> 2005 Defense Base Closure and Realignment Commission Report, <http://www.brac.gov/docs/final/Volume1BRACReport.pdf>, last viewed January 28, 2014.

<sup>32</sup> Chapter 2011-76, s. 38, Laws of Fla (creating s. 288.987 F.S., effective May 31, 2011).

<sup>33</sup> Chapter 2012-159, s. 11, Laws of Fla. (effective April 27, 2012).

<sup>34</sup> Section 288.987(3), F.S.

<sup>35</sup> Florida Defense Support Task Force 2012 Annual Report and 2013 Work Plan, [http://www.eflorida.com/fdstf/docs/about\\_us/2012\\_FDSTF\\_Annual\\_Report.pdf](http://www.eflorida.com/fdstf/docs/about_us/2012_FDSTF_Annual_Report.pdf), last viewed January 28, 2014.

## Public Records Exemption under Review

In 2009, the Legislature concurrently established the Florida Council on Military Base and Mission Support (Council)<sup>36</sup> and a corresponding public records and meeting exemption<sup>37</sup> specific to BRAC preparations.<sup>38</sup> Following the repeal of Council in 2012,<sup>39</sup> the public records and meeting exemption were transferred to the newly created Florida Defense Support Task Force.<sup>40</sup>

Section 288.985(1), F.S., provides a public records exemption protecting information presented to or created by the Task Force pertaining to the realignment and closure of military bases and missions by a BRAC process. Specifically, information narrowly focused on the following topics is exempt from public disclosure:

- The strengths and weaknesses of military installations or military missions in Florida relative to the selection criteria for a BRAC process;
- The strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions being subject to BRAC action; and
- The state's strategy to retain its military bases during a BRAC process.

Additionally, s. 288.985(2), F.S., provides that meetings or portions of meetings held by the Task Force or its workgroups at which the above-mentioned exempt records are presented or discussed are exempt from public meeting requirements.<sup>41</sup> Also exempt from public disclosure are any records generated during meetings closed to the public, including but not limited to, minutes, tape recordings, videotapes, digital recordings, transcriptions, or notes.<sup>42</sup>

The exemptions in s. 288.985, F.S., are subject to the Open Government Sunset Review Act and are scheduled to be repealed on October 2, 2014, unless the Legislature reenacts the exemption pursuant to the requirements in s. 119.15, F.S.

Professional staff of the Military and Veterans Affairs, Space, and Domestic Security Committee conducted a review of the public records and public meeting exemption in s. 288.985, F.S., as required by the Open Government Sunset Review Act.<sup>43</sup> In response to a questionnaire regarding the exemption, Task Force staff indicated that there is a public necessity to continue to protect records and meetings pertaining to BRAC from public disclosure and recommended reenactment of the exemption under review.<sup>44</sup>

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<sup>36</sup> Chapter 2009-155, ss. 1-2, Laws of Fla (creating s. 288.984, F.S. effective July 1, 2009).

<sup>37</sup> Chapter 2009-156, ss. 1-3, Laws of Fla (effective July 1, 2009).

<sup>38</sup> According to Task Force staff, the public records and meeting exemption was never utilized while the Council was in existence.

<sup>39</sup> Chapter 2012-159, s. 9, Laws of Fla (effective July 1, 2012).

<sup>40</sup> Chapter 2012-98, s. 6, Law of Fla (effective July 1, 2012).

<sup>41</sup> Section 288.985(2), F.S.

<sup>42</sup> Section 288.985(3), F.S.

<sup>43</sup> Section 119.15, F.S.

<sup>44</sup> Questionnaire on file with the Military and Veterans Affairs, Space, and Domestic Security Committee.

The Task Force actively utilizes both the public records and public meeting exemptions to carry out its statutorily required functions. The public records exemption currently protects, among other records, certain reports and plans, including a statewide assessment of Florida's military value and a plan for advocating on behalf of Florida's military installations. Additionally, as of February 3, 2013, the Task Force had utilized the public meeting exemption at 15 of the 22 Task Force meetings held since its inception in January 2012.

While it is unknown when the next BRAC round will take place, by statute, the Task Force is required to continue to explore strategies to secure military installations in the state.<sup>45</sup> Under any formal BRAC process, Florida's military installations will be considered for realignment or closure. The potential consequences could be permanent losses of military installations, permanent losses of positions of employment, and detrimental economic effects to local communities across the state.

The review of the public records and meeting exemptions conducted by professional staff found the exemptions to be necessary in order for the Task Force to effectively and efficiently prepare the state of Florida for any future BRAC action by enhancing Florida's military value and identifying and remedying military weaknesses.

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 288.985(5), F.S., to remove its scheduled repeal on October 2, 2014, thereby reenacting the public records and public meeting exemption for information presented to or created by the Florida Defense Support Task Force or its workgroups that relates to the realignment and closure of military bases and missions by a BRAC process.

**Section 2** of the bill provides an effective date of October 1, 2014.

### IV. Constitutional Issues:

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

None.

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

The bill reenacts and amends an existing public records exemption specified in s. 288.985(5), F.S. The bill does not expand the scope of the exemption and therefore does not require a two-thirds vote of each house of the Legislature for passage.

#### C. Trust Funds Restrictions:

None.

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<sup>45</sup> Section 288.987, F.S.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 288.985 (5) of the Florida Statutes.

**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.

**FOR CONSIDERATION** By the Committee on Military and Veterans Affairs, Space, and Domestic Security

583-00664A-14

20147022\_\_

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 288.985, F.S., which provides exemptions from public records and public meetings requirements for certain records and meetings of the Florida Defense Support Task Force; saving the exemptions from repeal under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Section 288.985, Florida Statutes, is amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Task Force are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and

Page 1 of 2

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

583-00664A-14

20147022\_\_

closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida Defense Support Task Force, or a workgroup of the task force, at which records are presented or discussed which are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) Any records generated during those portions of meetings which are closed to the public under subsection (2), including, but not limited to, minutes, tape recordings, videotapes, digital recordings, transcriptions, or notes, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) Any person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~(5) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2014.

Page 2 of 2

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



**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, Space, and Domestic Security

---

BILL: SB 486

INTRODUCER: Senator Evers

SUBJECT: Federal Write-in Absentee Ballot

DATE: February 3, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	<b>Favorable</b>
2.	<u>Spaulding</u>	<u>Ryon</u>	<u>MS</u>	<b>Favorable</b>

---

**I. Summary:**

SB 486 expands the use of the Federal Write-in Absentee Ballot (FWAB) to state/local ballot measures and judicial merit retention elections. The FWAB is a “ballot of last resort” for absent, active-duty military (and their families) and overseas citizens who timely request, but fail to receive, an official absentee ballot from their county supervisor of elections.

**II. Present Situation:**

The Federal Write-in Absentee Ballot (FWAB) is a federally-mandated, alternative or “back-up” ballot that allows otherwise-eligible overseas citizens and absent active-duty military (and their families) to cast votes in federal elections,<sup>1</sup> *provided* they made a timely-request for a regular absentee ballot. Most states have also authorized the FWAB for voting in certain state and local elections.

In 2011, Florida expanded the FWAB’s use beyond just federal elections to include state and local elections involving two or more candidates.<sup>2</sup> At the time, the FWAB was designed *solely* for candidate races, with lines for designating candidates’ names and offices sought; it did not contemplate ballot elections requiring a voter’s affirmation or rejection. In August 2013, the federal government modified the FWAB form and to specifically include spaces for “Ballot Initiatives” and the “Initiative Vote.”<sup>3</sup>

---

<sup>1</sup> From its inception in 1986 (Uniformed and Overseas Citizens Absentee Voting Act [UOCAVA]) until it was amended in 2010, the FWAB was mandated only for **federal general** elections. *See*, U.S. Dep’t of Justice, Civil Rights Division web site at [http://www.justice.gov/crt/about/vot/misc/activ\\_uoc.php](http://www.justice.gov/crt/about/vot/misc/activ_uoc.php), last accessed January 28, 2014, (UOCAVA overview). In 2010, the federal Military and Overseas Voter Empowerment Act (MOVE) expanded the required use of the FWAB to *all federal* elections, including primaries. *Id.*

<sup>2</sup> Ch. 2011-162, Laws of Fla.

<sup>3</sup>Current FVAP form and instructions, available at Federal Voting Assistance Program web site: <http://www.fvap.gov/resources/media/fwab.pdf>, last accessed January 28, 2014.

**III. Effect of Proposed Changes:**

The bill eliminates Florida's "multi-candidate restriction," and authorizes the FWAB as a "ballot of last resort"<sup>4</sup> for eligible voters in all federal, state, and local elections — including statewide constitutional initiatives/local ballot measures and judicial merit retention elections for the Florida Supreme Court and district courts of appeal. It specifically directs that votes cast in judicial retention elections be treated in the same manner as ballot measures requiring a "yes" or "no" vote. Finally, it requires the Department of State to adopt rules prescribing what markings, symbols, or language on the FWAB constitute a valid vote with regard to ballot measures.

The bill takes effect July 1, 2014.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

---

<sup>4</sup> Current law provides that eligible military or overseas voter must have timely requested and not received an official absentee ballot in order to vote by FWAB. Section 101.6952(2)(a), F.S.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 101.6952, 102.166

**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.

---

By Senator Evers

2-00357C-14

2014486\_\_

1 A bill to be entitled  
 2 An act relating to the federal write-in absentee  
 3 ballot; amending s. 101.6952, F.S.; authorizing absent  
 4 uniformed services voters and overseas voters to use  
 5 the federal write-in absentee ballot in any state or  
 6 local election; providing that an eligible elector may  
 7 vote on any ballot measure in an election using the  
 8 federal write-in absentee ballot; clarifying that a  
 9 vote cast in a judicial merit retention election be  
 10 treated in the same manner as a vote on certain ballot  
 11 measures; making technical changes; amending s.  
 12 102.166, F.S.; revising minimum requirements for  
 13 Department of State rules used in determining what  
 14 constitutes a valid vote on a federal write-in  
 15 absentee ballot; providing an effective date.  
 16  
 17 Be It Enacted by the Legislature of the State of Florida:  
 18  
 19 Section 1. Subsection (2) of section 101.6952, Florida  
 20 Statutes, is amended to read:  
 21 101.6952 Absentee ballots for absent uniformed services and  
 22 overseas voters.—  
 23 (2) (a) An absent uniformed services voter or an overseas  
 24 voter who makes timely application for but does not receive an  
 25 official absentee ballot may use the federal write-in absentee  
 26 ballot to vote in any federal, election and any state, or local  
 27 election ~~involving two or more candidates.~~  
 28 (b)1. In an election for federal office, an elector may  
 29 designate a candidate by writing the name of a candidate on the

Page 1 of 5

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

2-00357C-14

2014486\_\_

30 ballot. Except for a primary or special primary election, the  
 31 elector may alternatively designate a candidate by writing the  
 32 name of a political party on the ballot. A written designation  
 33 of the political party shall be counted as a vote for the  
 34 candidate of that party if there is such a party candidate in  
 35 the race.  
 36 2. In ~~an election for~~ a state or local election office, an  
 37 elector may vote in the section of the federal write-in absentee  
 38 ballot designated for nonfederal races by writing on the ballot  
 39 the title of each office and by writing on the ballot the name  
 40 of the candidate for whom the elector is voting. Except for a  
 41 primary, special primary, or nonpartisan election, the elector  
 42 may alternatively designate a candidate by writing the name of a  
 43 political party on the ballot. A written designation of  
 44 that party shall be counted as a vote for the candidate of  
 45 that party if there is such a party candidate in the race. In  
 46 addition, the elector may vote on any ballot measure presented  
 47 in such election by identifying the ballot measure on which he  
 48 or she desires to vote and specifying his or her vote on the  
 49 measure. For purposes of this section, a vote cast in a judicial  
 50 merit retention election shall be treated in the same manner as  
 51 a ballot measure where the only allowable responses are "Yes"  
 52 and "No."  
 53 (c) In the case of a joint candidacy, such as for the  
 54 offices of President/Vice President or Governor/Lieutenant  
 55 Governor, a valid vote for one or both qualified candidates on  
 56 the same ticket shall constitute a vote for the joint candidacy.  
 57 (d) For purposes of this subsection and except where the  
 58 context clearly indicates otherwise, such as where a candidate

Page 2 of 5

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2-00357C-14

2014486\_\_

59 in the election is affiliated with a political party whose name  
60 includes the word "Independent," "Independence," or a similar  
61 term, a voter designation of "No Party Affiliation" or  
62 "Independent," or any minor variation, misspelling, or  
63 abbreviation thereof, shall be considered a designation for the  
64 candidate, other than a write-in candidate, who qualified to run  
65 in the race with no party affiliation. If more than one  
66 candidate qualifies to run as a candidate with no party  
67 affiliation, the designation does ~~shall~~ not count for any  
68 candidate unless there is a valid, additional designation of the  
69 candidate's name.

70 (e) Any abbreviation, misspelling, or other minor variation  
71 in the form of the name of an office, the name of a candidate,  
72 the ballot measure, or the name of a political party must be  
73 disregarded in determining the validity of the ballot.

74 Section 2. Subsection (4) of section 102.166, Florida  
75 Statutes, is amended to read:

76 102.166 Manual recounts of overvotes and undervotes.—

77 (4) (a) A vote for a candidate or ballot measure shall be  
78 counted if there is a clear indication on the ballot that the  
79 voter has made a definite choice.

80 (b) The Department of State shall adopt specific rules for  
81 the federal write-in absentee ballot and for each certified  
82 voting system prescribing what constitutes a "clear indication  
83 on the ballot that the voter has made a definite choice." The  
84 rules shall be consistent, to the extent practicable, and may  
85 not:

86 1. Exclusively provide that the voter must properly mark or  
87 designate his or her choice on the ballot; or

2-00357C-14

2014486\_\_

88 2. Contain a catch-all provision that fails to identify  
89 specific standards, such as "any other mark or indication  
90 clearly indicating that the voter has made a definite choice."

91 (c) The rule for the federal write-in absentee ballot must  
92 address, at a minimum, the following issues:

93 1. The appropriate lines or spaces for designating a  
94 candidate choice and, for state and local races, the office or  
95 ballot measure to be voted, including the proximity of each to  
96 the other and the effect of intervening blank lines.

97 2. The sufficiency of designating a candidate's first or  
98 last name when no other candidate in the race has the same or a  
99 similar name.

100 3. The sufficiency of designating a candidate's first or  
101 last name when an opposing candidate has the same or a similar  
102 name, notwithstanding generational suffixes and titles such as  
103 "Jr.," "Sr.," or "III." The rule should contemplate the  
104 sufficiency of additional first names and first initials, middle  
105 names and middle initials, generational suffixes and titles,  
106 nicknames, and, in general elections, the name or abbreviation  
107 of a political party.

108 4. Candidate designations containing both a qualified  
109 candidate's name and a political party, including those in which  
110 ~~where~~ the party designated is the candidate's party, is not the  
111 candidate's party, has an opposing candidate in the race, or  
112 does not have an opposing candidate in the race.

113 5. Situations where the abbreviation or name of a candidate  
114 is the same as the abbreviation or name of a political party to  
115 which the candidate does not belong, including those in which  
116 ~~where~~ the party designated has another candidate in the race or

2-00357C-14

2014486\_\_

117 does not have a candidate in the race.

118 6. The use of marks, symbols, or language, such as arrows,  
119 quotation marks, or the word "same" or "ditto," to indicate that  
120 the same political party designation applies to all listed  
121 offices or the elector's approval or disapproval of all listed  
122 ballot measures.

123 7. Situations in which ~~where~~ an elector designates the name  
124 of a qualified candidate for an incorrect office.

125 8. Situations in which ~~where~~ an elector designates an  
126 otherwise correct office name that includes an incorrect  
127 district number.

128 Section 3. This act shall take effect July 1, 2014.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4 Feb 14  
Meeting Date

Topic Federal Write-in Absentee Ballot

Bill Number 486  
*(if applicable)*

Name Paul Lux

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Supervisor of Elections

Address 302 Wilson St. N., Ste 102  
*Street*  
Crestview FL 32536  
*City State Zip*

Phone 850-689-5600

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

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  
**APPEARANCE RECORD**

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

2/4/14

Meeting Date

Topic Federal Unemployment

Bill Number 486  
*(if applicable)*

Name Row LABASKY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title \_\_\_\_\_

Address 225 S. ADAMS ST

Phone 222-7718

Street

TALL FL 32301

City

State

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FL STATE ASSOC. OF SUPERVISORS OF ELECTIONS

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 (10/20/11)



# CourtSmart Tag Report

**Room:** LL 37  
**Case:** Military and Veterans Affairs, Space, and Domestic Security

**Type:**  
**Judge:**

**Started:** 2/4/2014 2:07:58 PM  
**Ends:** 2/4/2014 2:32:42 PM **Length:** 00:24:45

2:08:00 PM Meeting called to order by Chairman Altman  
2:08:07 PM Roll call by Administrative Assistant, Lois Graham  
2:08:24 PM Comments from Chairman Altman, wishing Senator Bullard Happy Birthday  
2:09:14 PM Tab 3 SB 486 - Federal Write-in Absentee Ballot explained by Senator Evers  
2:09:48 PM Senator Evers explains SB 486  
2:10:27 PM Chairman Altman ask if any member had any questions  
2:10:37 PM Speakers on the bill  
2:10:44 PM Comments from Mr. Paul Lux, Supervisor of Elections, Crestview, Florida  
2:12:17 PM Mr. Ron Labasky, FL State Association of Supervisors of Elections waives in support  
2:12:46 PM Chairman ask Senator Evers to close on the bill  
2:12:57 PM Senator Evers closes on the bill  
2:13:04 PM Roll call by Administrative Assistant, Lois Graham on SB 486  
2:13:19 PM The bill passes  
2:13:25 PM Tab 1 SPB 7020 - Military and Veterans Affairs presented by staff, Barbara Hoagland  
2:14:06 PM Mrs. Hoagland explains the bill  
2:19:39 PM Chairman Altman ask if any member had a question  
2:20:48 PM Chairman Altman gives a brief statement on SPB 7020  
2:21:37 PM Question by Senator Gibson regarding SPB 7020  
2:23:22 PM Response by Chairman Altman  
2:23:48 PM Mrs. Hoagland gives a brief statement regarding SPB 7020  
2:24:08 PM Chairman Altman answers Senator Gibson's question  
2:24:31 PM Comments from Senator Gibson regarding different contracts  
2:25:17 PM Speakers for SPB 7020  
2:25:29 PM Comments from Mr. Bobby Carbonell, Legislative and Cabinet Affairs Director, Florida Department of Veterans' Affairs  
2:26:10 PM Col. (Ret) Washington Sanchez, Chairman, Florida Veterans Foundation waives in support  
2:26:41 PM Mr. Joe Marino, President, Florida Defense Contractors Association waives in support  
2:26:56 PM Senator Evers moves to have SPB 7020 as a Committee Bill  
2:27:36 PM Motion adopted  
2:27:43 PM Roll call by Administrative Assistant, Lois Graham on SPB 7020  
2:27:55 PM Senator Legg moves to have SPB 7020 submitted as a Committee bill  
2:28:15 PM Tab 2 SPB 7022 - OGSR/FL Defense Support Task Force - by Staff Mr. Ray Spaulding  
2:28:55 PM Mr. Spaulding explains SPB 7022  
2:30:17 PM Chairman Altman ask if there are questions from the committee  
2:30:26 PM No questions or comments from the committee  
2:30:34 PM Senator Legg moves to submit SPB 7022 as a Committee bill  
2:30:52 PM Roll call by Administrative Assistant, Lois Graham on SPB 7022  
2:31:04 PM SPB 7022 will be submitted as a Committee Bill  
2:31:33 PM Chairman Altman gives a brief statement regarding his new intern and introduces him  
2:31:53 PM Senator Abruzzo moves to vote "yea" for SB 486  
2:32:11 PM Senator Bullard introduces his intern

**2:32:25 PM** Chairman Altman thanks staff for a job well done regarding the committee bills

**2:32:32 PM** Senator Gibson moves to rise



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR CHARLES S. DEAN, SR.  
5th District

COMMITTEES:  
Environmental Preservation and  
Conservation, *Chair*  
Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Criminal Justice  
Gaming  
Military Affairs, Space, and Domestic Security

January 31, 2014

The Honorable Thad Altman  
314 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Chairman Altman,

The purpose of this letter is to seek your permission to be excused from the scheduled Military and Veterans Affairs, Space, and Domestic Security Committee meeting on February 4, 2014. Due to unforeseen circumstances, I will not be able to attend.

Should you have any questions concerning this matter, please do not hesitate to contact me personally.

Sincerely,

A handwritten signature in black ink that reads "Charles S. Dean".

Charles S. Dean  
State Senator District 5

cc: Elizabeth Ryon, Staff Director  
Chris Clark, President's Office

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.fl/senate.gov](http://www.fl/senate.gov)

DON GAETZ  
President of the Senate

GARRETT RICHTER  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR ANDY GARDINER**  
13th District

**COMMITTEES:**  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Chair*  
Appropriations  
Appropriations Subcommittee on Finance and Tax  
Environmental Preservation and Conservation  
Ethics and Elections  
Gaming  
Judiciary  
Military and Veterans Affairs, Space, and  
Domestic Security  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

February 4, 2014

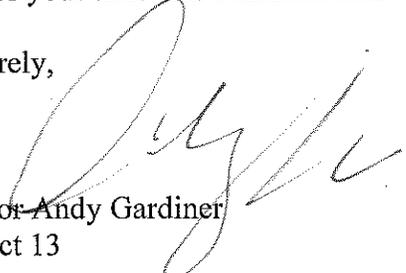
The Honorable Thad Altman, Chair  
Military Affairs, Space, and Domestic Security Committee  
111 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Altman,

I am writing to respectfully request that I be excused from the Military Affairs, Space, and Domestic Security Committee meeting scheduled for today. I have a scheduling conflict and unfortunately will not be able to attend the meeting.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,

  
Senator Andy Gardiner  
District 13

AG:svc

**REPLY TO:**

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**THE FLORIDA SENATE**

**Senator Maria Lorts Sachs**  
**Minority Leader Pro Tempore**  
District 34

Committees:

Gaming  
Vice Chair

Agriculture

Education

Appropriations  
Subcommittee on  
Education

Appropriations  
Subcommittee on  
Finance and Tax

Military Affairs, Space,  
and Domestic Security

Regulated Industries

STAFF:

Joshua Freeman  
Legislative Assistant

Matthew Damsky  
Legislative Assistant

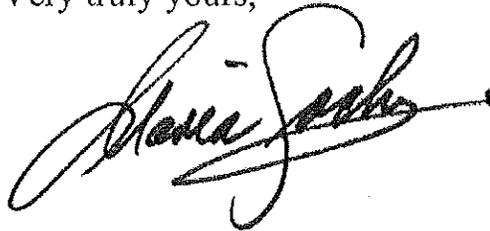
February 3 , 2014

The Honorable Thad Altman  
314 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Altman,

I will not be able to attend the Committee on Military Affairs, Space, and Domestic Security meeting taking place at 2:00 PM on February 4<sup>th</sup>, 2014, as I had a previously scheduled conflict.

Very truly yours,



Senator Maria Sachs  
District 34

CC: Elizabeth Ryon,  
Staff Director

100 NW 1st Avenue, Delray Beach, Florida 33444 (561) 279-1427  
216 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5091

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Don Gaetz  
President of the Senate

Garrett Richter  
President Pro Tempore