

**By** the Committee on Military Affairs, Space, and Domestic Security; and Senators Bennett, Detert, Jones, Gaetz, and Fasano

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1                                   A bill to be entitled  
2           An act relating to current and former military  
3           personnel; creating s. 220.1893, F.S.; providing a tax  
4           credit program for eligible business that hire certain  
5           national guard members; providing definitions;  
6           providing credits against specified taxes for  
7           certified businesses; providing guidelines for  
8           becoming a certified business; requiring the  
9           Department of Economic Opportunity to certify  
10          qualified businesses; providing criteria for the  
11          certification; limiting the total amount of tax  
12          credits; providing for certain tax credits to be  
13          carried forward; providing penalties for fraudulent  
14          claims; authorizing the Department of Economic  
15          Opportunity and the Department of Revenue to adopt  
16          rules; providing for future expiration of the tax  
17          credit program; amending s. 265.003, F.S.; creating  
18          the Florida Veterans' Hall of Fame Council; providing  
19          for membership and terms of appointment; providing for  
20          the appointment of a chair; providing for meetings, a  
21          quorum, and voting; providing for reimbursement of  
22          travel expenses; providing for the removal of an  
23          appointee; providing for the Florida Veterans' Hall of  
24          Fame Council rather than the Department of Veterans'  
25          Affairs to select nominees for induction into the  
26          Florida Veterans' Hall of Fame and to establish the  
27          criteria for selection; requiring that the Governor  
28          and Cabinet annually select a specified number of  
29          nominees for induction; amending s. 295.187, F.S.;

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30 revising legislative intent; renaming and revising the  
31 Florida Service-Disabled Veteran Business Enterprise  
32 Opportunity Act to expand the vendor preference in  
33 state contracting to include certain businesses owned  
34 and operated by wartime veterans or veterans of a  
35 period of war; amending s. 320.089, F.S.; providing  
36 for the issuance of a Combat Infantry Badge license  
37 plate; providing qualifications and requirements for  
38 the plate; providing for the use of proceeds from the  
39 sale of the plate; providing for issuance of a Vietnam  
40 War Veterans' license plate; providing qualifications  
41 and requirements for the plate; creating s. 683.146,  
42 F.S.; designating August 7 of each year as "Purple  
43 Heart Day"; providing a short title; creating s.  
44 921.00242, F.S.; providing that a person who alleges  
45 that he or she committed a criminal offense as a  
46 result of posttraumatic stress disorder, traumatic  
47 brain injury, substance use disorder, or psychological  
48 problems stemming from service in a combat theater in  
49 the United States military may have a hearing on that  
50 issue before sentencing; providing that a defendant  
51 who is eligible for probation or community control may  
52 be placed in a treatment program in certain  
53 circumstances; providing for sentence credit for a  
54 defendant placed in treatment who would have otherwise  
55 been incarcerated; providing a preference for  
56 treatment programs that have histories of successfully  
57 treating such combat veterans; amending s. 948.08,  
58 F.S.; creating a pretrial veterans' treatment

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59 intervention program; providing requirements for a  
60 defendant to be voluntarily admitted to the pretrial  
61 program; providing certain exceptions to such  
62 admission; providing for the disposition of pending  
63 charges following a defendant's completion of the  
64 pretrial intervention program; providing for the  
65 charges to be expunged under certain circumstances;  
66 amending s. 948.16, F.S.; creating a misdemeanor  
67 pretrial veterans' treatment intervention program;  
68 providing requirements for voluntary admission to the  
69 misdemeanor pretrial program; providing for the  
70 misdemeanor charges to be expunged under certain  
71 circumstances; exempting treatment services provided  
72 by the Department of Veterans' Affairs or the United  
73 States Department of Veterans Affairs from certain  
74 contract requirements; amending s. 1003.05, F.S.;

75 requiring that a school board provide an option to  
76 school-aged dependents of military personnel to choose  
77 certain schools if the student is reassigned as a  
78 result of school rezoning; creating s. 1004.075, F.S.;

79 requiring certain Florida College System institutions  
80 and state universities to provide priority course  
81 registration for veterans; providing eligibility  
82 requirements; creating s. 1005.09, F.S.; encouraging  
83 certain independent postsecondary educational  
84 institutions to provide priority course registration  
85 for veterans; amending s. 1009.21, F.S.; providing  
86 that veterans of the Armed Services of the United  
87 States, including reserve components thereof, who

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88 attend the physical location of a public college,  
89 university, or institution of higher learning within  
90 the state are residents for tuition purposes;  
91 requiring that any veteran who meets specified  
92 criteria be admitted to any Florida College System  
93 institution or state university of the veteran's  
94 choice; providing effective dates.  
95

96 Be It Enacted by the Legislature of the State of Florida:  
97

98 Section 1. Section 220.1893, Florida Statutes, is created  
99 to read:

100 220.1893 National Guard Employment Tax Credit Program.—

101 (1) As used in this section, the term:

102 (a) "Department" means the Department of Economic  
103 Opportunity.

104 (b) "Eligible business" means any business that is  
105 operating and authorized to do business in this state.

106 (c) "Qualified employee" means a person:

107 1. Who is a current Florida National Guard member in good  
108 standing, as verified by the Adjutant General of the Florida  
109 National Guard, and has been unemployed for more than 6 months  
110 or is returning from duty abroad;

111 2. Who was hired by an eligible business on or after July  
112 1, 2012, and had not previously been employed by the eligible  
113 business or its parent or an affiliated corporation;

114 3. Who performed duties connected to the operations of the  
115 eligible business on a regular, full-time basis for an average  
116 of at least 36 hours per week and for at least 3 months before

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117 an eligible business is awarded a tax credit; and

118 4. Whose employment by the eligible business has not formed  
119 the basis for any other claim to a credit pursuant to this  
120 chapter.

121 (2) A certified business shall receive a \$10,000 tax credit  
122 for each qualified employee, subject to limitation in subsection

123 (5). The credit may be taken against:

124 (a) Corporate income taxes under chapter 220.

125 (b) Insurance premium tax under s. 624.509.

126 (c) Taxes on sales, use, and other transactions under  
127 chapter 212.

128 (d) Intangible personal property taxes under chapter 199.

129 (e) Excise taxes on documents under chapter 201.

130 (f) Ad valorem taxes paid, as defined in s. 220.03(1).

131 (g) State communications services taxes administered under  
132 chapter 202. This paragraph does not apply to the gross receipts  
133 tax imposed under chapter 203 and administered under chapter 202  
134 or the local communications services tax authorized under s.  
135 202.19.

136 (3) (a) To become a certified business, an officer of an  
137 eligible business must file under oath with the Department of  
138 Economic Opportunity an application that includes:

139 1. The name, address, and NAICS identifying code of the  
140 eligible business. As used in this subsection, "NAICS" means  
141 those classifications contained in the North American Industry  
142 Classification System, as published in 2007 by the Office of  
143 Management and Budget, Executive Office of the President.

144 2. Relevant employment information.

145 3. A sworn affidavit, signed by each employee for whom the

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146 eligible business is seeking credits under this section,  
147 attesting to his or her previous unemployment.

148 4. Verification that the wages paid by the eligible  
149 business to each of its qualified employees exceeds the wage  
150 eligibility levels for Medicaid and other public assistance  
151 programs.

152 5. Any other information necessary to process the  
153 application.

154 (b) The Department of Economic Opportunity shall process  
155 applications to certify a business in the order in which the  
156 applications are received, without regard as to whether the  
157 applicant is a new or an existing business. The department shall  
158 review and approve or deny an application within 10 days after  
159 receiving a completed application. The department shall notify  
160 the applicant in writing as to the department's decision.

161 (c)1. The department shall submit a copy of the letter of  
162 certification to the Department of Revenue within 10 days after  
163 the department issues the letter of certification to the  
164 applicant.

165 2. If the application of an eligible business is not  
166 sufficient to certify the applicant business, the department  
167 must deny the application and issue a notice of denial to the  
168 applicant.

169 3. If the application of an eligible business does not  
170 contain sufficient documentation of the number of qualified  
171 employees, the department shall approve the application with  
172 respect to the employees for whom the department determines are  
173 qualified employees. The department must deny the application  
174 with respect to persons for whom the department determines are

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175 not qualified employees or for whom insufficient documentation  
176 has been provided. A business may not submit a revised  
177 application for certification or for the determination of a  
178 person as a qualified employee more than 3 months after the  
179 issuance of a notice of denial with respect to the business or a  
180 particular person as a qualified employee.

181 (4) The applicant for a tax credit under this section has  
182 the responsibility to affirmatively demonstrate to the  
183 satisfaction of the department and the Department of Revenue  
184 that the applicant and the persons claimed as qualified  
185 employees meet the requirements of this section.

186 (5) The total amount of tax credits under this section  
187 which may be approved by the department for all applicants is \$5  
188 million per fiscal year.

189 (6) A tax credit amount that is granted under this section  
190 which is not fully used in the first year for which it becomes  
191 available may be carried forward to the subsequent taxable year.  
192 The carryover credit may be used in the subsequent year if the  
193 tax imposed by this chapter for such year exceeds the credit for  
194 such year under this section after applying the other credits  
195 and unused credit carryovers in the order provided in s.  
196 220.02(8).

197 (7) A person who fraudulently claims a credit under this  
198 section is liable for repayment of the credit plus a mandatory  
199 penalty of 100 percent of the credit. Such person also commits a  
200 misdemeanor of the second degree, punishable as provided in s.  
201 775.082 or s. 775.083.

202 (8) The department may adopt rules governing the manner and  
203 form of applications for the tax credit. The department may

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204 establish guidelines for making an affirmative showing of  
205 qualification for the tax credit under this section.

206 (9) The Department of Revenue may adopt rules to administer  
207 this section, including rules relating to the creation of forms  
208 to claim a tax credit and examination and audit procedures  
209 required to administer this section.

210 (10) This section expires July 1, 2014. However, a taxpayer  
211 that is awarded a tax credit in the second year of the program  
212 may carry forward any unused credit amount to the subsequent tax  
213 reporting period. Rules adopted by the Department of Revenue to  
214 administer this section shall remain valid as long as a taxpayer  
215 may use a credit against its corporate income tax liability.

216 Section 2. Section 265.003, Florida Statutes, is amended to  
217 read:

218 265.003 Florida Veterans' Hall of Fame.—

219 (1) It is the intent of the Legislature to recognize and  
220 honor those military veterans who, through their works and lives  
221 during or after military service, have made a significant  
222 contribution to the State of Florida.

223 (2) There is established the Florida Veterans' Hall of  
224 Fame.

225 (a) The Florida Veterans' Hall of Fame is administered by  
226 the Florida Department of Veterans' Affairs without  
227 appropriation of state funds.

228 (b) The Department of Management Services shall set aside  
229 an area on the Plaza Level of the Capitol Building along the  
230 northeast front wall and shall consult with the Department of  
231 Veterans' Affairs regarding the design and theme of the area.

232 (c) Each person who is inducted into the Florida Veterans'

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233 Hall of Fame shall have his or her name placed on a plaque  
234 displayed in the designated area of the Capitol Building.

235 (3) (a) The Florida Veterans' Hall of Fame Council is  
236 created within the Department of Veterans' Affairs as an  
237 advisory body, as defined in s. 20.03(7), consisting of seven  
238 members who shall all be honorably discharged veterans, and at  
239 least four of whom must be members of a congressionally  
240 chartered veterans service organization. The Governor, the  
241 Attorney General, the Chief Financial Officer, the Commissioner  
242 of Agriculture, the President of the Senate, the Speaker of the  
243 House of Representatives, and the executive director of the  
244 Department of Veterans' Affairs shall each appoint one member.  
245 For the purposes of ensuring staggered terms, the council  
246 members appointed by the Governor, the Attorney General, the  
247 Chief Financial Officer, and the Commissioner of Agriculture  
248 shall be appointed to 4-year terms beginning on January 1 of the  
249 year of appointment, and the council members appointed by the  
250 President of the Senate, the Speaker of the House of  
251 Representatives, and the executive director of the Department of  
252 Veterans' Affairs shall be appointed to 2-year terms beginning  
253 on January 1 of the year of appointment. After the initial  
254 appointments, all appointees shall be appointed to 4-year terms.  
255 A member whose term expires shall continue to serve on the  
256 council until such time as a replacement is appointed.

257 (b) The members shall annually elect a chair from among  
258 their number. The council shall meet at the call of its chair,  
259 at the request of the executive director of the Department of  
260 Veterans' Affairs, or at such times as may be prescribed by the  
261 council. A majority of the members of the council currently

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262 appointed constitutes a quorum, and a meeting may not be held  
263 unless a quorum is present. The affirmative vote of a majority  
264 of the members of the council present is necessary for any  
265 official action by the council.

266 (c) Members of the council may not receive compensation or  
267 honorarium for their services, but members are entitled to  
268 reimbursement for travel expenses incurred in the performance of  
269 their duties as provided in s. 112.061.

270 (d) The original appointing authority may remove his or her  
271 appointee from the council for misconduct or malfeasance in  
272 office, neglect of duty, incompetence, or permanent inability to  
273 perform official duties or if the member is adjudicated guilty  
274 of a felony.

275 (4)-(3) (a) The Florida Veterans' Hall of Fame Council  
276 Department of Veterans' Affairs shall annually accept  
277 nominations of persons to be considered for induction into the  
278 Florida Veterans' Hall of Fame and shall then transmit a list of  
279 up to 20 nominees its recommendations to the Department of  
280 Veterans' Affairs for submission to the Governor and the Cabinet  
281 who will select four persons from the list of the nominees to be  
282 inducted.

283 (b) In selecting its nominees for submission making its  
284 recommendations to the Governor and the Cabinet, the Florida  
285 Veterans' Hall of Fame Council Department of Veterans' Affairs  
286 shall give preference to veterans who were born in Florida or  
287 adopted Florida as their home state or base of operation and who  
288 have made a significant contribution to the state in civic,  
289 business, public service, or other pursuits.

290 (5)-(4) The Florida Veterans' Hall of Fame Council

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291 ~~Department of Veterans' Affairs~~ may establish criteria and set  
292 specific time periods for acceptance of nominations and for the  
293 process of selection of nominees for membership and establish a  
294 formal induction ceremony to coincide with the annual  
295 commemoration of Veterans' Day.

296 Section 3. Section 295.187, Florida Statutes, is amended to  
297 read:

298 295.187 Florida ~~Service-Disabled~~ Veteran Business  
299 Enterprise Opportunity Act.—

300 (1) SHORT TITLE.—This section may be cited as the "Florida  
301 ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

302 (2) INTENT.—It is the intent of the Legislature to rectify  
303 the economic disadvantage of service-disabled veterans, who are  
304 statistically the least likely to be self-employed when compared  
305 to the veteran population as a whole and who have made  
306 extraordinary sacrifices on behalf of the nation, the state, and  
307 the public, by providing opportunities for service-disabled  
308 veteran business enterprises as set forth in this section. The  
309 Legislature also intends to recognize wartime veterans and  
310 veterans of a period of war for their sacrifices as set forth in  
311 this section.

312 (3) DEFINITIONS.—For the purpose of this section, the term:

313 (a) "Certified ~~service-disabled~~ veteran business  
314 enterprise" means a business that has been certified by the  
315 Department of Management Services to be a ~~service-disabled~~  
316 veteran business enterprise as defined in paragraph (c).

317 (b) "Service-disabled veteran" means a veteran who is a  
318 permanent Florida resident with a service-connected disability  
319 as determined by the United States Department of Veterans

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320 Affairs or who has been terminated from military service by  
321 reason of disability by the United States Department of Defense.

322 (c) "~~Service-disabled~~ Veteran business enterprise" means an  
323 independently owned and operated business that:

324 1. Employs 200 or fewer permanent full-time employees;

325 2. Together with its affiliates has a net worth of \$5  
326 million or less or, if a sole proprietorship, has a net worth of  
327 \$5 million or less including both personal and business  
328 investments;

329 3. Is organized to engage in commercial transactions;

330 4. Is domiciled in this state;

331 5. Is at least 51 percent owned by one or more wartime  
332 veterans or service-disabled veterans; and

333 6. The management and daily business operations of which  
334 are controlled by one or more wartime veterans or service-  
335 disabled veterans or, for a service-disabled veteran having with  
336 a permanent and total disability, by the spouse or permanent  
337 caregiver of the veteran.

338 (d) "Wartime veteran" means:

339 1. A wartime veteran as defined in s. 1.01(14); or

340 2. A veteran of a period of war, as used in 38 U.S.C. s.  
341 1521, who served in the active military, naval, or air service:

342 a. For 90 days or more during a period of war;

343 b. During a period of war and was discharged or released  
344 from such service for a service-connected disability;

345 c. For a period of 90 consecutive days or more and such  
346 period began or ended during a period of war; or

347 d. For an aggregate of 90 days or more in two or more  
348 separate periods of service during more than one period of war.

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349 (4) VENDOR PREFERENCE.—

350 (a) A state agency, when considering two or more bids,  
351 proposals, or replies for the procurement of commodities or  
352 contractual services, at least one of which is from a certified  
353 ~~service-disabled~~ veteran business enterprise, which ~~that~~ are  
354 equal with respect to all relevant considerations, including  
355 price, quality, and service, shall award such procurement or  
356 contract to the certified ~~service-disabled~~ veteran business  
357 enterprise.

358 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~  
359 veteran business enterprise entitled to the vendor preference  
360 under this section and one or more businesses entitled to this  
361 preference or another vendor preference provided by law submit  
362 bids, proposals, or replies for procurement of commodities or  
363 contractual services which ~~that~~ are equal with respect to all  
364 relevant considerations, including price, quality, and service,  
365 ~~then~~ the state agency shall award the procurement or contract to  
366 the business having the smallest net worth.

367 (c) Political subdivisions of the state are encouraged to  
368 offer a similar consideration to businesses certified under this  
369 section.

370 (5) CERTIFICATION PROCEDURE.—

371 (a) The application for certification as a ~~service-disabled~~  
372 veteran business enterprise must, at a minimum, include:

373 1. The name of the business enterprise applying for  
374 certification and the name of the ~~service-disabled~~ veteran  
375 submitting the application on behalf of the business enterprise.

376 2. The names of all owners of the business enterprise,  
377 including owners who are wartime veterans, service-disabled

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378 veterans, and owners who are not a wartime veteran or a service-  
379 disabled veteran ~~veterans~~, and the percentage of ownership  
380 interest held by each owner.

381 3. The names of all persons involved in both the management  
382 and daily operations of the business, including the spouse or  
383 permanent caregiver of a veteran who has ~~with~~ a permanent and  
384 total disability.

385 4. The service-connected disability rating of all persons  
386 listed under subparagraphs 1., 2., and 3., as applicable, with  
387 supporting documentation from the United States Department of  
388 Veterans Affairs or the United States Department of Defense.

389 5. Documentation of the wartime service of all persons  
390 listed under subparagraphs 1., 2., and 3., as applicable, from  
391 the United States Department of Veterans Affairs or the United  
392 States Department of Defense.

393 ~~6.5.~~ The number of permanent full-time employees.

394 ~~7.6.~~ The location of the business headquarters.

395 ~~8.7.~~ The total net worth of the business enterprise and its  
396 affiliates. In the case of a sole proprietorship, the net worth  
397 includes personal and business investments.

398 (b) To maintain certification, a ~~service-disabled~~ veteran  
399 business enterprise shall renew its certification biennially.

400 (c) ~~The provisions of Chapter 120,~~ relating to application,  
401 denial, and revocation procedures, applies ~~shall apply~~ to  
402 certifications under this section.

403 (d) A certified ~~service-disabled~~ veteran business  
404 enterprise must notify the Department of Management Services  
405 within 30 business days after any event that may significantly  
406 affect the certification of the business, including, but not

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407 limited to, a change in ownership or change in management and  
408 daily business operations.

409 (e) The certification of a ~~service-disabled~~ veteran  
410 business enterprise shall be revoked for 12 months if the  
411 Department of Management Services determines that the business  
412 enterprise violated paragraph (d). An owner of a certified  
413 ~~service-disabled~~ veteran business enterprise whose certification  
414 is revoked may ~~is~~ not ~~permitted to~~ reapply for certification  
415 under this section as an owner of any business enterprise during  
416 the 12-month revocation period.

417 1. During the 12-month revocation period, a ~~service-~~  
418 ~~disabled~~ veteran business enterprise whose certification has  
419 been revoked may bid on state contracts but is not eligible for  
420 any preference available under this section.

421 2. A ~~service-disabled~~ veteran business enterprise whose  
422 certification has been revoked may apply for certification at  
423 the conclusion of the 12-month revocation period by complying  
424 with requirements applicable to initial certifications.

425 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The  
426 department shall:

427 (a) Assist the Department of Management Services in  
428 establishing a certification procedure, which shall be reviewed  
429 biennially and updated as necessary.

430 (b) Identify eligible ~~service-disabled~~ veteran business  
431 enterprises by any electronic means, including electronic mail  
432 or Internet website, or by any other reasonable means.

433 (c) Encourage and assist eligible ~~service-disabled~~ veteran  
434 business enterprises to apply for certification under this  
435 section.

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436 (d) Provide information regarding services that are  
437 available from the Office of Veterans' Business Outreach of the  
438 Florida Small Business Development Center to ~~service-disabled~~  
439 veteran business enterprises.

440 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The  
441 department shall:

442 (a) With assistance from the Department of Veterans'  
443 Affairs, establish a certification procedure, which shall be  
444 reviewed biennially and updated as necessary.

445 (b) Grant, deny, or revoke the certification of a ~~service-~~  
446 ~~disabled~~ veteran business enterprise under this section.

447 (c) Maintain an electronic directory of certified ~~service-~~  
448 ~~disabled~~ veteran business enterprises for use by the state,  
449 political subdivisions of the state, and the public.

450 (8) REPORT.—The Small Business Development Center shall  
451 include in its report required by s. 288.705 the percentage of  
452 certified ~~service-disabled~~ veteran business enterprises using  
453 the statewide contracts register.

454 (9) RULES.—The Department of Veterans' Affairs and the  
455 Department of Management Services, as appropriate, may adopt  
456 rules as necessary to administer this section.

457 Section 4. Effective October 1, 2012, section 320.089,  
458 Florida Statutes, is amended to read:

459 320.089 Members of National Guard and active United States  
460 Armed Forces reservists; former prisoners of war; survivors of  
461 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
462 Freedom and Operation Enduring Freedom Veterans; Combat Infantry  
463 Badge recipients; Vietnam War Veterans; special license plates;  
464 fee.—

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465 (1) (a) Each owner or lessee of an automobile or truck for  
466 private use or recreational vehicle as specified in s.  
467 320.08(9) (c) or (d), which is not used for hire or commercial  
468 use, who is a resident of the state and an active or retired  
469 member of the Florida National Guard, a survivor of the attack  
470 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
471 active or retired member of any branch of the United States  
472 Armed Forces Reserve, or a recipient of the Combat Infantry  
473 Badge shall, upon application to the department, accompanied by  
474 proof of active membership or retired status in the Florida  
475 National Guard, proof of membership in the Pearl Harbor  
476 Survivors Association or proof of active military duty in Pearl  
477 Harbor on December 7, 1941, proof of being a Purple Heart medal  
478 recipient, ~~or~~ proof of active or retired membership in any  
479 branch of the Armed Forces Reserve, or proof of membership in  
480 the Combat Infantrymen's Association, Inc., or other proof of  
481 being a recipient of the Combat Infantry Badge, and upon payment  
482 of the license tax for the vehicle as provided in s. 320.08, be  
483 issued a license plate as provided by s. 320.06, upon which, in  
484 lieu of the serial numbers prescribed by s. 320.06, shall be  
485 stamped the words "National Guard," "Pearl Harbor Survivor,"  
486 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
487 Badge," as appropriate, followed by the serial number of the  
488 license plate. Additionally, the Purple Heart plate may have the  
489 words "Purple Heart" stamped on the plate and the likeness of  
490 the Purple Heart medal appearing on the plate.

491 (b) Notwithstanding any other provision of law to the  
492 contrary, beginning with fiscal year 2002-2003 and annually  
493 thereafter, the first \$100,000 in general revenue generated from

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494 the sale of license plates issued under this section shall be  
495 deposited into the Grants and Donations Trust Fund, as described  
496 in s. 296.38(2), to be used for the purposes established by law  
497 for that trust fund. Any additional general revenue generated  
498 from the sale of such plates shall be deposited into the State  
499 Homes for Veterans Trust Fund and used solely to construct,  
500 operate, and maintain domiciliary and nursing homes for  
501 veterans, subject to the requirements of chapter 216.

502 (c) Notwithstanding any provisions of law to the contrary,  
503 an applicant for a Pearl Harbor Survivor license plate or a  
504 Purple Heart license plate who also qualifies for a disabled  
505 veteran's license plate under s. 320.084 shall be issued the  
506 appropriate special license plate without payment of the license  
507 tax imposed by s. 320.08.

508 (2) Each owner or lessee of an automobile or truck for  
509 private use, truck weighing not more than 7,999 pounds, or  
510 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
511 which is not used for hire or commercial use, who is a resident  
512 of the state and who is a former prisoner of war, or their  
513 unremarried surviving spouse, shall, upon application therefor  
514 to the department, be issued a license plate as provided in s.  
515 320.06, on which license plate are stamped the words "Ex-POW"  
516 followed by the serial number. Each application shall be  
517 accompanied by proof that the applicant meets the qualifications  
518 specified in paragraph (a) or paragraph (b).

519 (a) A citizen of the United States who served as a member  
520 of the Armed Forces of the United States or the armed forces of  
521 a nation allied with the United States who was held as a  
522 prisoner of war at such time as the Armed Forces of the United

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523 States were engaged in combat, or their unremarried surviving  
524 spouse, may be issued the special license plate provided for in  
525 this subsection without payment of the license tax imposed by s.  
526 320.08.

527 (b) A person who was serving as a civilian with the consent  
528 of the United States Government, or a person who was a member of  
529 the Armed Forces of the United States who was not a United  
530 States citizen and was held as a prisoner of war when the Armed  
531 Forces of the United States were engaged in combat, or their  
532 unremarried surviving spouse, may be issued the special license  
533 plate provided for in this subsection upon payment of the  
534 license tax imposed by s. 320.08.

535 (3) Each owner or lessee of an automobile or truck for  
536 private use, truck weighing not more than 7,999 pounds, or  
537 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
538 which is not used for hire or commercial use, who is a resident  
539 of this state and who is the unremarried surviving spouse of a  
540 recipient of the Purple Heart medal shall, upon application  
541 therefor to the department, with the payment of the required  
542 fees, be issued a license plate as provided in s. 320.06, on  
543 which license plate are stamped the words "Purple Heart" and the  
544 likeness of the Purple Heart medal followed by the serial  
545 number. Each application shall be accompanied by proof that the  
546 applicant is the unremarried surviving spouse of a recipient of  
547 the Purple Heart medal.

548 (4) The owner or lessee of an automobile or truck for  
549 private use, a truck weighing not more than 7,999 pounds, or a  
550 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
551 which automobile, truck, or recreational vehicle is not used for

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552 hire or commercial use who is a resident of the state and a  
553 current or former member of the United States military who was  
554 deployed and served in Iraq during Operation Iraqi Freedom or in  
555 Afghanistan during Operation Enduring Freedom shall, upon  
556 application to the department, accompanied by proof of active  
557 membership or former active duty status during one of these  
558 operations, and upon payment of the license tax for the vehicle  
559 as provided in s. 320.08, be issued a license plate as provided  
560 by s. 320.06 upon which, in lieu of the registration license  
561 number prescribed by s. 320.06, shall be stamped the words  
562 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as  
563 appropriate, followed by the registration license number of the  
564 plate.

565 (5) The owner or lessee of an automobile or truck for  
566 private use, a truck weighing not more than 7,999 pounds, or a  
567 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
568 which automobile, truck, or recreational vehicle is not used for  
569 hire or commercial use, who is a resident of the state and a  
570 current or former member of the United States military, and who  
571 was deployed and served in Vietnam during United States military  
572 deployment in Indochina shall, upon application to the  
573 department, accompanied by proof of active membership or former  
574 active duty status during these operations, and upon payment of  
575 the license tax for the vehicle as provided in s. 320.08, be  
576 issued a license plate as provided by s. 320.06 upon which, in  
577 lieu of the registration license number prescribed by s. 320.06,  
578 shall be stamped the words "Vietnam War Veteran," followed by  
579 the registration license number of the plate.

580 Section 5. Section 683.146, Florida Statutes, is created to

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581 read:

582 683.146 Purple Heart Day.-583 (1) August 7 of each year is designated as "Purple Heart  
584 Day."585 (2) The Governor may annually issue a proclamation  
586 designating August 7 as "Purple Heart Day." Public officials,  
587 schools, private organizations, and all residents of the state  
588 are encouraged to commemorate Purple Heart Day and honor those  
589 wounded or killed while serving in any branch of the United  
590 States Armed Services.591 Section 6. Sections 7 through 9 of this act may be cited as  
592 the "T. Patt Maney Veterans' Treatment Intervention Act."593 Section 7. Section 921.00242, Florida Statutes, is created  
594 to read:595 921.00242 Convicted military veterans; posttraumatic stress  
596 disorder, traumatic brain injury, substance use disorder, or  
597 psychological problems from service; treatment services.-598 (1) The court must hold a veterans' status hearing prior to  
599 sentencing for a criminal offense if the defendant has alleged  
600 that he or she committed the offense as a result of  
601 posttraumatic stress disorder, traumatic brain injury, substance  
602 use disorder, or psychological problems stemming from service in  
603 a combat theater in the United States military.604 (2) At a veterans' status hearing conducted as required by  
605 subsection (1), the court shall determine whether the defendant  
606 was a member of the military forces of the United States who  
607 served in a combat theater and assess whether the defendant  
608 suffers from posttraumatic stress disorder, traumatic brain  
609 injury, substance use disorder, or psychological problems as a

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610 result of that service. The defendant shall bear the burden of  
611 proof at the hearing.

612 (3) If the court concludes that the defendant is a person  
613 described in subsection (2) who is eligible for probation or  
614 community control and the court places the defendant on county  
615 or state probation or into community control, the court may  
616 order the defendant into a local, state, federal, or private  
617 nonprofit treatment program as a condition of probation or  
618 community control if the defendant agrees to participate in the  
619 program and the court determines that an appropriate treatment  
620 program exists.

621 (4) A defendant who is placed on county or state probation  
622 or into community control and committed to a residential  
623 treatment program under this section shall earn sentence credits  
624 for the actual time he or she serves in the residential  
625 treatment program if the court makes a written finding that it  
626 would otherwise have sentenced the defendant to incarceration  
627 except for the fact that the defendant is a person described in  
628 subsection (2).

629 (5) In making an order under this section to commit a  
630 defendant to a treatment program, whenever possible the court  
631 shall place the defendant in a treatment program that has a  
632 history of successfully treating combat veterans who suffer from  
633 posttraumatic stress disorder, traumatic brain injury, substance  
634 use disorder, or psychological problems as a result of that  
635 service. The court shall give preference to treatment programs  
636 for which the veteran is eligible through the United States  
637 Department of Veterans Affairs or the Department of Veterans'  
638 Affairs.

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639 Section 8. Present subsection (7) of section 948.08,  
640 Florida Statutes, is renumbered as subsection (8), and a new  
641 subsection (7) is added to that section, to read:

642 948.08 Pretrial intervention program.—

643 (7) (a) A person who is charged with a felony, other than a  
644 felony listed in s. 948.06(8) (c), and identified as a member or  
645 former member of the military forces of the United States who  
646 served in a combat theater and who suffers from posttraumatic  
647 stress disorder, traumatic brain injury, substance use disorder,  
648 or psychological problems as a result of that service is  
649 eligible for voluntary admission into a pretrial veterans'  
650 treatment intervention program approved by the chief judge of  
651 the circuit, upon motion of either party or the court's own  
652 motion, except:

653 1. If a defendant was previously offered admission to a  
654 pretrial veterans' treatment intervention program at any time  
655 prior to trial and the defendant rejected that offer on the  
656 record, the court may deny the defendant's admission to such a  
657 program.

658 2. If a defendant previously entered a court-ordered  
659 veterans' treatment program, the court may deny the defendant's  
660 admission into the pretrial veterans' treatment program.

661 3. If the state attorney believes that the facts and  
662 circumstances of the case suggest the defendant's involvement in  
663 the selling of controlled substances, the court shall hold a  
664 preadmission hearing. If the state attorney establishes, by a  
665 preponderance of the evidence at such hearing, that the  
666 defendant was involved in the selling of controlled substances,  
667 the court shall deny the defendant's admission into a pretrial

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668 intervention program.

669 (b) While enrolled in a pretrial intervention program  
670 authorized by this subsection, the participant shall be subject  
671 to a coordinated strategy developed by a veterans' treatment  
672 intervention team. The coordinated strategy should be modeled  
673 after the therapeutic jurisprudence principles and key  
674 components in s. 397.334(4), with treatment specific to the  
675 needs of veterans. The coordinated strategy may include a  
676 protocol of sanctions that may be imposed upon the participant  
677 for noncompliance with program rules. The protocol of sanctions  
678 may include, but need not be limited to, placement in a  
679 treatment program offered by a licensed service provider or in a  
680 jail-based treatment program or serving a period of  
681 incarceration within the time limits established for contempt of  
682 court. The coordinated strategy must be provided in writing to  
683 the participant before the participant agrees to enter into a  
684 pretrial veterans' treatment intervention program or other  
685 pretrial intervention program. Any person whose charges are  
686 dismissed after successful completion of the pretrial veterans'  
687 treatment intervention program, if otherwise eligible, may have  
688 his or her arrest record and plea of nolo contendere to the  
689 dismissed charges expunged under s. 943.0585.

690 (c) At the end of the pretrial intervention period, the  
691 court shall consider the recommendation of the administrator  
692 pursuant to subsection (5) and the recommendation of the state  
693 attorney as to disposition of the pending charges. The court  
694 shall determine, by written finding, whether the defendant has  
695 successfully completed the pretrial intervention program. If the  
696 court finds that the defendant has not successfully completed

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697 the pretrial intervention program, the court may order the  
698 person to continue in education and treatment, which may include  
699 treatment programs offered by licensed service providers or  
700 jail-based treatment programs, or order that the charges revert  
701 to normal channels for prosecution. The court shall dismiss the  
702 charges upon a finding that the defendant has successfully  
703 completed the pretrial intervention program.

704 Section 9. Section 948.16, Florida Statutes, is amended to  
705 read:

706 948.16 Misdemeanor pretrial substance abuse education and  
707 treatment intervention program; misdemeanor pretrial veterans'  
708 treatment intervention program.-

709 (1) (a) A person who is charged with a misdemeanor for  
710 possession of a controlled substance or drug paraphernalia under  
711 chapter 893, and who has not previously been convicted of a  
712 felony nor been admitted to a pretrial program, is eligible for  
713 voluntary admission into a misdemeanor pretrial substance abuse  
714 education and treatment intervention program, including a  
715 treatment-based drug court program established pursuant to s.  
716 397.334, approved by the chief judge of the circuit, for a  
717 period based on the program requirements and the treatment plan  
718 for the offender, upon motion of either party or the court's own  
719 motion, except, if the state attorney believes the facts and  
720 circumstances of the case suggest the defendant is involved in  
721 dealing and selling controlled substances, the court shall hold  
722 a preadmission hearing. If the state attorney establishes, by a  
723 preponderance of the evidence at such hearing, that the  
724 defendant was involved in dealing or selling controlled  
725 substances, the court shall deny the defendant's admission into

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726 the pretrial intervention program.

727 (b) While enrolled in a pretrial intervention program  
728 authorized by this section, the participant is subject to a  
729 coordinated strategy developed by a drug court team under s.  
730 397.334(4). The coordinated strategy may include a protocol of  
731 sanctions that may be imposed upon the participant for  
732 noncompliance with program rules. The protocol of sanctions may  
733 include, but is not limited to, placement in a substance abuse  
734 treatment program offered by a licensed service provider as  
735 defined in s. 397.311 or in a jail-based treatment program or  
736 serving a period of incarceration within the time limits  
737 established for contempt of court. The coordinated strategy must  
738 be provided in writing to the participant before the participant  
739 agrees to enter into a pretrial treatment-based drug court  
740 program or other pretrial intervention program. Any person whose  
741 charges are dismissed after successful completion of the  
742 treatment-based drug court program, if otherwise eligible, may  
743 have his or her arrest record and plea of nolo contendere to the  
744 dismissed charges expunged under s. 943.0585.

745 (2) (a) A member or former member of the military forces of  
746 the United States who served in a combat theater and who suffers  
747 from posttraumatic stress disorder, traumatic brain injury,  
748 substance use disorder, or psychological problems as a result of  
749 that service who is charged with a misdemeanor is eligible for  
750 voluntary admission into a misdemeanor pretrial veterans'  
751 treatment intervention program approved by the chief judge of  
752 the circuit, for a period based on the program requirements and  
753 the treatment plan for the offender, upon motion of either party  
754 or the court's own motion. However, the court may deny the

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755 defendant admission into a misdemeanor pretrial veterans'  
756 treatment intervention program if the defendant has previously  
757 entered a court-ordered veterans' treatment program.

758 (b) While enrolled in a pretrial intervention program  
759 authorized by this section, the participant shall be subject to  
760 a coordinated strategy developed by a veterans' treatment  
761 intervention team. The coordinated strategy should be modeled  
762 after the therapeutic jurisprudence principles and key  
763 components in s. 397.334(4), with treatment specific to the  
764 needs of veterans. The coordinated strategy may include a  
765 protocol of sanctions that may be imposed upon the participant  
766 for noncompliance with program rules. The protocol of sanctions  
767 may include, but need not be limited to, placement in a  
768 treatment program offered by a licensed service provider or in a  
769 jail-based treatment program or serving a period of  
770 incarceration within the time limits established for contempt of  
771 court. The coordinated strategy must be provided in writing to  
772 the participant before the participant agrees to enter into a  
773 misdemeanor pretrial veterans' treatment intervention program or  
774 other pretrial intervention program. Any person whose charges  
775 are dismissed after successful completion of the misdemeanor  
776 pretrial veterans' treatment intervention program, if otherwise  
777 eligible, may have his or her arrest record and plea of nolo  
778 contendere to the dismissed charges expunged under s. 943.0585.

779 (3)~~(2)~~ At the end of the pretrial intervention period, the  
780 court shall consider the recommendation of the treatment program  
781 and the recommendation of the state attorney as to disposition  
782 of the pending charges. The court shall determine, by written  
783 finding, whether the defendant successfully completed the

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784 pretrial intervention program. Notwithstanding the coordinated  
785 strategy developed by a drug court team pursuant to s.  
786 397.334(4) or by the veterans' treatment intervention team, if  
787 the court finds that the defendant has not successfully  
788 completed the pretrial intervention program, the court may order  
789 the person to continue in education and treatment or return the  
790 charges to the criminal docket for prosecution. The court shall  
791 dismiss the charges upon finding that the defendant has  
792 successfully completed the pretrial intervention program.

793 (4)~~(3)~~ Any public or private entity providing a pretrial  
794 substance abuse education and treatment program under this  
795 section shall contract with the county or appropriate  
796 governmental entity. The terms of the contract shall include,  
797 but not be limited to, the requirements established for private  
798 entities under s. 948.15(3). This requirement does not apply to  
799 services provided by the Department of Veterans' Affairs or the  
800 United States Department of Veterans Affairs.

801 Section 10. Subsection (1) of section 1003.05, Florida  
802 Statutes, is amended to read:

803 1003.05 Assistance to transitioning students from military  
804 families.—

805 (1) The Legislature finds that school-aged dependents of  
806 military personnel, otherwise known as military students, are  
807 faced with numerous transitions during their formative years and  
808 that moves during the high school years provide special  
809 challenges to learning and future achievement.

810 (a) Recognizing the challenges faced by military students  
811 and the importance of military families to our community and  
812 economy, the Department of Education shall assist the transition

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813 of these students by improving the timely transfer of records,  
814 developing systems to ease student transition during the first 2  
815 weeks of enrollment, promoting practices which foster access to  
816 extracurricular programs, establishing procedures to lessen the  
817 adverse impact of moves from the end of the junior year as well  
818 as before and during the senior year, encouraging or continuing  
819 partnerships between the military base and the school system,  
820 providing services for transitioning students when applying to  
821 and finding funding for postsecondary study, and providing other  
822 assistance as identified by department, school, and military  
823 personnel.

824 (b) If a local school board adjusts school zones within its  
825 boundaries, military students shall be given the option of  
826 remaining at the school they are currently attending or may  
827 attend the school assigned as a result of the rezoning.

828 Section 11. Section 1004.075, Florida Statutes, is created  
829 to read:

830 1004.075 Priority course registration for veterans.—Each  
831 Florida College System institution and state university that  
832 offers priority course registration for a segment of the student  
833 population, or upon implementation of priority course  
834 registration for a segment of the student population, shall  
835 provide priority course registration for each veteran of the  
836 United States Armed Forces. Priority registration shall be given  
837 to the spouse or a dependent child of the veteran to whom GI  
838 Bill educational benefits have been transferred. Each eligible  
839 veteran shall be granted priority for course registration for  
840 the duration of his or her attendance at a Florida College  
841 System institution and state university if priority registration

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842 is offered. A spouse or dependent child shall also be granted  
843 priority for registration until the expiration of the GI Bill  
844 educational benefits.

845 Section 12. Section 1005.09, Florida Statutes, is created  
846 to read:

847 1005.09 Priority course registration for veterans.—Each  
848 independent postsecondary educational institution that is under  
849 the jurisdiction of the commission or is exempt from the  
850 jurisdiction of the commission and that offers priority course  
851 registration for a segment of the student population, or upon  
852 implementation of priority course registration for a segment of  
853 the student population, is encouraged to provide priority course  
854 registration for each veteran of the United States Armed Forces,  
855 or his or her spouse or dependent children, who is receiving GI  
856 Bill educational benefits, in accordance with s. 1004.075.

857 Section 13. Present paragraphs (c) through (k) of  
858 subsection (10) of section 1009.21, Florida Statutes, are  
859 redesignated as paragraphs (d) through (l), respectively, and a  
860 new paragraph (c) is added to that subsection, to read:

861 1009.21 Determination of resident status for tuition  
862 purposes.—Students shall be classified as residents or  
863 nonresidents for the purpose of assessing tuition in  
864 postsecondary educational programs offered by charter technical  
865 career centers or career centers operated by school districts,  
866 in Florida College System institutions, and in state  
867 universities.

868 (10) The following persons shall be classified as residents  
869 for tuition purposes:

870 (c) Veterans of the Armed Services of the United States,

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871 including reserve components thereof, who attend the physical  
872 location of a public college, university, or institution of  
873 higher learning within the state.

874 Section 14. Any veteran of the United States Armed Forces  
875 who was a resident of this state 4 years before entering  
876 military service and who holds an associate degree or has earned  
877 at least 60 college credit hours from a Florida College System  
878 institution shall be admitted to any Florida College System  
879 institution or state university of the veteran's choice.

880 Section 15. Except as otherwise expressly provided in this  
881 act, this act shall take effect July 1, 2012.