

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 7015 PCB VMAS 14-01 Military and Veteran Support
SPONSOR(S): Economic Affairs Committee, Appropriations Committee, Veteran & Military Affairs
Subcommittee, Smith and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Veteran & Military Affairs Subcommittee	12 Y, 0 N	Dugan	Kiner
1) Appropriations Committee	25 Y, 0 N, As CS	Perkins	Leznoff
2) Economic Affairs Committee	16 Y, 0 N, As CS	Dugan	Creamer

SUMMARY ANALYSIS

The Florida statutes contain numerous provisions relating to support of military installations, military personnel, veterans and their families. CS/CS/HB 7015 addresses military and veteran support as follows:

Encroachment: The bill appropriates \$7,489,975 in nonrecurring funds to the Department of Environmental Protection to acquire land adjacent to military installations to protect against encroachment.

Armories: The bill appropriates \$12.5 million in nonrecurring funds to the Department of Military Affairs (DMA) to continue renovations to state readiness centers (armories).

Education: The bill creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Program," which waives out-of-state fees for honorably discharged veterans. In addition, the bill appropriates \$1.53 million in recurring funds to the DMA to fund tuition scholarships and book stipends for National Guard members; and \$250,000 in nonrecurring funds for information technology upgrades to administer the education assistance program.

Employment: The bill expands Florida's veterans' preference in public employment statutes. In addition, the bill authorizes private sector employers to establish a voluntary veterans' preference process for honorably discharged veterans and certain spouses. The bill also creates Florida Is For Veterans, Inc., to promote Florida to retired and recently separated military servicemembers. Further, the bill revises the Department of Business and Professional Regulation and Department of Health licensure statutes to expand career opportunities for veterans and their spouses.

Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden: The bill authorizes the creation of the Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden to recognize and honor those military veterans who have made significant contributions to the state through their service to the United States.

The bill appropriates a total of \$21,769,975 in General Revenue. Florida colleges, state universities, and career centers will experience an estimated loss of \$11.7 million as a result of student veterans being exempt from out-of-state fees. Other provisions in the bill appear to have an indeterminate fiscal impact on state and local government (See the Fiscal Analysis Section for specific detail).

The effective date of the bill is July 1, 2014. Section 5 is effective upon the act becoming a law.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h7015c.EAC

DATE: 2/27/2014

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The bill is an omnibus bill related to military and veterans' issues. For ease of understanding, this analysis is laid out by general topic.

Background

More than 1.5 million veterans live in Florida.¹ Approximately 75 percent of Florida's veteran population is comprised of wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars, and roughly 498,000 Vietnam-era veterans.² Additionally, there are approximately 188,500 military retirees who call Florida home.³

Florida has a large military population with more than 61,000 active duty military personnel.⁴ Another 25,000 civilian personnel are directly associated with the military presence in Florida.⁵

The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 Guard personnel and 2,000 Air National Guard personnel.⁶ According to the DMA, since September 11, 2001, more than 16,000 Guard members have been deployed to support our nation's national security interests; of this total, roughly 5,760 remain active with the Guard.

Florida's military installations and defense businesses provide a \$73 billion annual economic impact, and account for more than 758,000 direct and indirect jobs in Florida, representing the 3rd largest sector of the state economy after agriculture and tourism.⁷

Encroachment (Section 38)

Current Situation

Generally, encroachment is a term used by the U.S. Department of Defense (USDOD) to refer to incompatible uses of land, air, water, and other resources in close proximity to a military installation.⁸ The Florida Legislature has found that encroachment of military installations has been identified by local, state, and federal leaders as a critical threat to protecting, preserving, and enhancing military installations in the state, and can be detrimental to the current and future missions of military installations due to the incompatible use of adjacent land.⁹ As such, the Florida Legislature has recognized the unique need to secure lands that have no conservation value, but may present an encroachment threat to a military installation.¹⁰ This recognition has come, in part, through the passage of legislation.

Prior to the 2013 Legislative Session, the Military Base Protection Program (MBPP), within the Florida Department of Economic Opportunity (DEO), was authorized to use funds to address emergent needs related to mission sustainment and base retention. However, the MBPP was not specifically authorized to use funds to address encroachment reduction or prevention.

¹ DVA, Annual Report Fiscal Year 2012-2013, Facts and Figures.

² Id.

³ Id.

⁴ Florida Defense Factbook, EFI and Haas Center, January 2013, available at: <http://www.enterpriseflorida.com/the-florida-defense-support-task-force/resources/> (last viewed February 27, 2014).

⁵ Id.

⁶ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last viewed February 27, 2014).

⁷ Florida's Military Profile, Enterprise Florida, Defense Office, available at: <http://www.enterpriseflorida.com/the-florida-defense-support-task-force/information/> (last viewed February 27, 2014).

⁸ The National Conference of State Legislatures, Minimizing Encroachment and Incompatible Land Use Near Military Installations, January 2013, available at: <http://www.ncsl.org/research/military-and-veterans-affairs/minimize-encroachment-on-military-installations.aspx> (last viewed February 27, 2014).

⁹ s. 288.980(1)(c), F.S.

¹⁰ Id.

During the 2013 Legislative Session, the Florida Legislature passed SB 1784 to modify the MBPP to specifically address problems related to encroachment of military installations.¹¹ Specifically, the MBPP was given the authority to use funds appropriated to it by the Florida Legislature to address encroachment reduction or prevention through the acquisition of nonconservation lands.¹²

The DEO is granted the authority to annually submit a list to the Board of Trustees of the Internal Improvement Trust Fund¹³ (the Board) of nonconservation lands which they recommend should be acquired, subject to a specific appropriation, through fee simple purchase (absolute ownership) or through perpetual, less-than-fee interest purchase (e.g., easements or development rights¹⁴), for the purpose of buffering a military installation against encroachment.¹⁵ The Board must consider the recommendations of the Florida Defense Support Task Force¹⁶ when selecting nonconservation lands to purchase for the purpose of securing and protecting a military installation against encroachment.¹⁷

For the current year, the DEO has identified the following three properties as its Tier 1, or highest priority, nonconservation lands and has recommended that the Florida Legislature appropriate funds to secure their acquisition:

Installation	Size
NSA Panama City	8.4 acres
NS Mayport	11 acres
MacDill AFB	25.5 acres

The Florida Defense Support Task Force supports the acquisition of the above identified nonconservation properties to protect Florida's military installations.¹⁸

Effect of Proposed Changes

For Fiscal Year 2014-2015, \$7,489,975 in nonrecurring General Revenue funds is appropriated to the Department of Environmental Protection to allow the Board to acquire, pursuant to s. 288.980, F.S., nonconservation land adjacent to the Naval Support Activity Panama City, Naval Station Mayport, and MacDill Air Force Base for the purpose of securing and protecting such installations against encroachment.

Armories (Section 37)

Current Situation

The Florida Armory Revitalization Program (FARP) provides a bridge of state funding to keep armories safe and serviceable, while waiting for adequate levels of Military Construction (MILCON) funding from the federal government to either replace or fully renovate a facility.¹⁹ Some of Florida's armories have not been modernized since the mid-1960s and 1970s.²⁰ Many current armories are located in flood zones or storm surge areas, which affect the ability to respond locally to disasters.²¹ According to the

¹¹ ch. 2013-222, L.O.F.

¹² Id.

¹³ The Board is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may inure to the state or any of its agencies, departments, boards, or commissions, with certain exceptions. See s. 253.03(1), F.S.

¹⁴ The National Conference of State Legislatures, Military Installation Sustainability, June, 2010, available at: <http://www.ncsl.org/research/military-and-veterans-affairs/military-installation-sustainability.aspx> (last viewed February 27, 2014).

¹⁵ s. 288.980(2)(b), F.S.

¹⁶ s. 288.987, F.S.

¹⁷ s. 288.980(2)(b), F.S.

¹⁸ Florida Defense Support Task Force, 2014 Annual Report.

¹⁹ DMA, Adjutant General's Annual Report, Fiscal Year 2012.

²⁰ Id.

²¹ Id.

Florida Department of Military Affairs (DMA), continuing to fund FARP is critical to the Guard's ability to sustain Florida's armories.²²

Currently, 37 out of 51 of Florida's armories have been renovated through FARP.²³ According to the DMA's Legislative Budget Request for the 2014 Legislative Session, maintaining and repairing the remaining armories is the DMA's number one legislative priority.²⁴

Effect of Proposed Changes

The bill appropriates \$12.5 million in nonrecurring General Revenue funds to the DMA for armory maintenance and renovation.

Education

Current Situation

Educational Dollars for Duty Program (Sections 1-3)

The DMA administers the Educational Dollars for Duty (EDD) program to provide educational benefits to certain active Guard members. The EDD program was created in 1997 and is subject to annual appropriations from the Florida Legislature. Appropriations for the EDD program for Fiscal Year 2012-2013 were \$1.78 million (recurring) and \$1.69 million (nonrecurring) from the General Revenue Fund. According to the DMA, during the 2012-2013 school year, approximately 1,054 members used the EDD program; however, historically, between eight and 12 percent of eligible Guard members elect to participate in the EDD program. According to the DMA, this percentage has fluctuated in recent years due to deployments.

The Adjutant General is responsible for developing the EDD program for members in good standing of the Guard who enroll in an authorized course of study at a public or private accredited institution of higher education in the state.²⁵ Generally, courses authorized for the program must be courses which are for credit and that meet degree requirements.²⁶ The Adjutant General may determine which courses are not authorized for the program.²⁷ For instance, courses that do not meet the requirements for completion of career training are not authorized for the program.²⁸

Subject to appropriations, the DMA pays directly to the educational institution the full cost of tuition and fees for required courses completed by current, eligible Guard members.²⁹ Guard members are eligible to use the program upon enlistment.³⁰ If a Guard member is enrolled in a private college or university or a private vocational-technical program, the DMA will pay up to the average in-state rate.³¹

I. Eligibility

In order to be eligible for participation in the EDD program, a Guard member must:³²

- be 17 years of age or older;
- be presently domiciled in the state;
- be an active drilling member and in good standing in the Guard at the beginning of and throughout the entire academic term for which benefits are received;

²² Id.

²³ DMA, Fiscal Year 2014-2015 Budget Request.

²⁴ Id.

²⁵ s. 250.10(7), F.S.

²⁶ s. 250.10(7)(b)2., F.S.

²⁷ Id.

²⁸ Id.

²⁹ s. 250.10(8), F.S.

³⁰ s. 250.10(8), F.S.

³¹ Id.

³² s. 250.10(7), F.S. and r. 70-2.001, F.A.C.

- maintain continuous satisfactory participation in the Guard for any school term for which benefits are received;
- upon enrollment in the EDD program, complete a memorandum of agreement to comply with the rules of the program and serve in the Guard for the period specified in the Guard member's enlistment or reenlistment contract; and
- not have a master's degree obtained through the program.

II. Penalties and Reimbursement

The Adjutant General develops the EDD program by promulgating rules for the overall policy, guidance, administration, implementation, and proper use of the program.³³ By law, these rules must provide eligibility guidelines and procedures for restitution when a Guard member fails to comply with program requirements.³⁴

Penalties for noncompliance with program requirements include, but are not limited to, the following:³⁵

- if a Guard member receives payment of tuition and fees for any academic term and fails to maintain satisfactory participation in the Guard during that academic term, the Guard member is required to reimburse the DMA for the academic term for which the member received payment;
- if a Guard member leaves the Guard during the period specified in the Guard member's enlistment or reenlistment contract, the Guard member is required to reimburse the DMA all tuition charges and student fees for which the member received payments, regardless of whether the obligation to reimburse the DMA was incurred before, on, or after July 1, 2009, unless the Adjutant General finds that there are justifiable extenuating circumstances;
- if a Guard member's service is terminated or the Guard member is placed on scholastic probation while receiving payments, the member shall reimburse the DMA all tuition charges and student fees for the academic term for which the member received payment; or
- if a Guard member defaults on any reimbursement made under the program, the DMA may charge the member the maximum interest rate authorized by law.

Pursuant to Florida law, a student enrolled at a state college or university will not face academic or financial penalties by virtue of performing military service on behalf of the country.³⁶ Thus, any student who withdraws from a course due to military service may either complete the course at a later date or receive from his or her school a full refund of tuition and fees paid for such course.³⁷

III. Online Education

During the 2010-2011 school year, 40 percent of students in the Florida State University System (SUS) and the Florida College System (FCS) were taking at least one online course, compared to 31 percent nationally.³⁸ As of 2012, SUS and FCS institutions offer approximately 700 online programs.³⁹ The number of veterans who currently reside in the state and are taking an online course at its public universities is unknown.

Waiver of Out-of-state Fees for Veterans (Section 36)

I. Tuition and Out-of-State Fees

³³ s. 250.10(7)(c), F.S.

³⁴ Id.

³⁵ s. 250.10(8)(b)1.-4., F.S.

³⁶ s. 1004.07, F.S.

³⁷ s. 1004.07, F.S.

³⁸ Parthenon Group Summary: Post-Secondary Online Expansion in Florida, November 12, 2012.

³⁹ Parthenon Group Summary: Post-Secondary Online Expansion in Florida, November 12, 2012.

Under Florida law, “tuition” is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.⁴⁰ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.⁴¹

An “out-of-state fee” is the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.⁴² A “non-resident for tuition purposes” is defined as a person who does not qualify for the in-state tuition rate,⁴³ and pays the out-of-state fee in addition to tuition.

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless such costs are exempted or waived.⁴⁴

II. Fee Exemptions and Fee Waivers

Florida law authorizes school districts that provide workforce education programs, FCS institutions, and state universities to grant fee exemptions⁴⁵ and fee waivers⁴⁶ to qualified students that meet specified criteria. A number of fee exemptions and fee waivers are permissive⁴⁷ while others are mandatory.⁴⁸ There is a limitation on the number of permissive fee waivers a school district providing workforce education programs or an FCS institution may grant,⁴⁹ however, this limit does not apply to mandatory fee waivers.

Regarding military personnel, Florida law provides a mandatory undergraduate fee waiver for “each recipient of a Purple Heart or another combat decoration superior in precedence” at a state university or FCS institution.⁵⁰ The statute requires that the recipient:⁵¹

- (1) be in an undergraduate program that results in a certificate or degree;
- (2) is currently a resident of the state and was a resident at the time of the action that resulted in the awarding of the applicable combat decoration; and
- (3) provide the institution with appropriate documentation of the separation from service and receipt of the combat decoration.

According to the Florida Department of Education (DOE), the fee waiver for Purple Heart recipients, and recipients of superior combat decorations, covers 110 percent of the credit hours the recipient needs to complete the applicable degree or certificate program. During the 2011-2012 school year, the DOE reports that 168 students at FCS institutions received Purple Heart fee waivers totaling \$269,580. At state universities, the Board of Governors of the SUS reports that 46 students received Purple Heart fee waivers totaling \$151,896 during the 2012-2013 school year.

⁴⁰ s. 1009.01(1), F.S. Additionally, the definition states that “[a] charge for any other purpose shall not be included within this fee.”

⁴¹ s. 1009.21(1)(g), F.S.

⁴² s. 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.”

⁴³ s. 1009.21(1)(e), F.S.

⁴⁴ ss. 1009.23(2)(a) and 1009.24(2), F.S.

⁴⁵ s. 1009.25, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, available at: <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (last viewed February 27, 2014) (noting that “[a]n exemption is provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees”).

⁴⁶ s. 1009.26, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, available at: <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (last viewed February 27, 2014) (providing that a “waiver occurs when a student has his or her fees, which would otherwise be due, waived or forgiven by an institution”).

⁴⁷ s. 1009.25(2), F.S. (authorizing each FCS institution to grant additional fee exemptions “up to 54 full-time equivalent students or 1 percent of [an] institution’s total full-time equivalent enrollment, whichever is greater at each institution”); ss. 1009.26(1)-(4), (6), (9), (10), (11), F.S.

⁴⁸ ss. 1009.25(1)(a)-(g), and 1009.26(5), (7), (8), F.S.

⁴⁹ s. 1009.26(1), F.S.

⁵⁰ s. 1009.26(8), F.S.

⁵¹ s. 1009.26(8)(a)-(c), F.S.

Pursuant to the permissive fee waiver statute, the board of trustees at each state university, school district, and FCS institutions, is authorized to waive fees under certain conditions. The board of trustees of each state university is authorized to “waive tuition and out-of-state fees for purposes that support and enhance the mission of the university.”⁵²

In the 2011-2012 school year, the DOE reports that FCS institutions provided exemptions and fee waivers for 71,719 students, which totaled \$93,689,726. Fee exemptions and fee waivers, respectively, totaled \$83,926,832 and \$9,762,894 within FCS institutions. The SUS Board of Governors recorded a total of \$205,824,039 in fee exemptions and fee waivers were provided by state universities during 2012-2013. In the 2012-2013 school year, the DOE reports that career centers and charter technical career centers provided approximately 671 fee exemptions, totaling \$661.

III. Tuition Assistance for Veterans

States and institutions of higher education across the nation use an array of options and criteria to apply in-state tuition rates to veterans. The differing means of granting in-state tuition to veterans, through state law or institutional policy, and the varying eligibility requirements to receive the benefit, create a range of options when providing tuition assistance to veterans. For example, some states:

- provide in-state tuition for veterans without a residency requirement;⁵³
- require that a veteran be permanently stationed in the state⁵⁴ or be a resident of the state and meet an additional requirement to be a resident for admission and tuition purposes;⁵⁵
- do not require that residency be demonstrated but may require continuous enrollment and some form of documentation that is relevant to state residency;⁵⁶ or
- provide a specific waiver of the in-state residency requirement for residents living out-of-state but within a certain radius of the institution being attended.⁵⁷

Additionally, some laws authorize institutions of higher education to develop policies and criteria that provide fee waivers to eligible veterans.⁵⁸

IV. U.S. Department of Veterans Affairs Education Benefits Program

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. The USDVA currently administers the following federal educational assistance programs:

Montgomery GI Bill – Active Duty Educational Assistance Program (MGIB-AD)⁵⁹

MGIB-AD provides educational assistance to persons who served on active duty in the Armed Forces.⁶⁰ Active duty members make an initial contribution⁶¹ and are subsequently entitled to receive a monthly education benefit⁶² once they have completed a minimum service obligation.⁶³

⁵² s. 1009.26(9), F.S. (noting that fee waivers under this section must be grounded in policies adopted by the state university board of trustees under regulations adopted by the Board of Governors).

⁵³ E.g., MISS. CODE ANN. §37-103-25(2)(b); *see also* VA. CODE ANN. §23-7.4(B).

⁵⁴ E.g., LA. REV. STAT. ANN. §17:2137(D).

⁵⁵ E.g., ALA. CODE §16-64-2(b)(1)c. (a veteran must be a resident of Alabama and satisfy at least one of the following conditions: served on active duty for two or more years with an honorable discharge within five years of attending a public school in Alabama; is currently serving in a reserve component of the Armed Forces; or has a service-related disability as determined by the USDVA); *see also* LA. REV. STAT. ANN. §17:2137(E).

⁵⁶ E.g., ARIZ. REV. STAT. §15-1802(G) (automatic in-state student classification to honorably discharged veterans who are continuously enrolled and have: (1) registered to vote in Arizona, and (2) shown intent to become an Arizona resident); *see also* TEX. EDUC. CODE ANN. §54.241(i).

⁵⁷ E.g., ALA. CODE §16-64-62(b)(1)d.

⁵⁸ E.g., GA. CONST. art. 8, §7, ¶ IV (Board of Regents of the University System of Georgia may “establish programs allowing attendance without payment of tuition or other fees ...”); *see also* University System of Georgia, *Board of Regents Policy Manual*, available at: <http://www.usg.edu/policymanual/section7/C453/>, §7.3.4.1 (last viewed February 27, 2014); MISS. CODE ANN. §37-103-25(3)-(4); WASH. REV. CODE §23B.15.621(2) and (3).

⁵⁹ 38 U.S.C. §§3001-3035.

⁶⁰ 38 U.S.C. §3011(a).

Montgomery GI Bill – Selected Reserve Educational Assistance Program (MGIB-SR)⁶⁴
MGIB-SR provides educational assistance to members of the reserve components of the Armed Forces. Reservists must be actively drilling and have a six year obligation in the reserves to be eligible. ⁶⁵
Survivors’ and Dependents’ Educational Assistance Program (DEA)⁶⁶
DEA is a monetary educational benefit payable to eligible dependents and survivors of certain veterans. ⁶⁷
Veterans Educational Assistance Program (VEAP)⁶⁸
VEAP is an education benefit for veterans who entered service for the first time between December 31, 1976 and July 1, 1985. Although there are still some veterans who use this program, it ended for new enrollees June 30, 1985. ⁶⁹
Reserve Educational Assistance Program (REAP)⁷⁰
REAP provides educational assistance to members of the National Guard members and reservists who are called to active duty in response to a war, a national emergency or contingency operation as declared by the President or Congress on or after September 11, 2001. ⁷¹
Post-9/11 GI Bill Program⁷²
The Post-9/11 GI Bill is the newest educational assistance program which provides financial support for education and housing to individuals with at least 90 days of aggregate service on or after September 11, 2001, ⁷³ or individuals discharged with a service-connected disability after 30 days. ⁷⁴ Individuals may be eligible for up to 36 months of education benefits and eligibility generally expires 15 years from the date of the last discharge or release from active duty service. ⁷⁵ The Post-9/11 GI Bill provides beneficiaries the cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public higher education institution in the state in which the individual is attending school. ⁷⁶

⁶¹ 38 U.S.C. §3011(b)(1) (“the basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under (c)(1) of this section shall be reduced by \$100 for each of the first 12 months that such individual is entitled to such pay”).

⁶² 38 U.S.C. §3014 (the educational assistance is to help meet the costs of an individual’s “subsistence, tuition, fees, supplies, books, equipment, and other educational costs” and that the maximum duration of benefits is 36 months); USDVA, The Montgomery GI Bill, available at: http://www.benefits.va.gov/gibill/montgomery_bill.asp (last viewed February 27, 2014).

⁶³ 38 U.S.C. §3011(a)(1) (outlining the minimum service obligations depending upon when an individual began active duty).

⁶⁴ 10 U.S.C. §§16131-16136.

⁶⁵ 10 U.S.C. §§16131(a), 16132(a); USDVA, The Montgomery GI Bill-Selected Reserve, available at: http://www.benefits.va.gov/gibill/montgomery_bill.asp (last viewed February 27, 2014).

⁶⁶ 38 U.S.C. §§3500-3566.

⁶⁷ 38 U.S.C. §3501(a)(1) (defining an “eligible person” as: the child of an individual who died or has a permanent and total disability as a result of service; the spouse of an individual who died due to service-related disability; the spouse or child of an individual who, for 90 days, is missing in action, captured, or forcibly detained in the line of duty, or who is receiving certain medical care and may be released or discharged due to a service-related disability); USDVA, Dependents’ Educational Assistance Program (DEA), available at: http://www.benefits.va.gov/gibill/survivor_dependent_assistance.asp (last viewed February 27, 2014).

⁶⁸ 38 U.S.C. §§3201-3243.

⁶⁹ 38 U.S.C. §§3201, 3202(1)(A).

⁷⁰ 10 U.S.C. §§16161-16166.

⁷¹ 10 U.S.C. §16163(a).

⁷² 38 U.S.C. §§3301-3325.

⁷³ 38 U.S.C. §3311(b)(8).

⁷⁴ 38 U.S.C. §3311(b)(2)(B). The Post-9/11 GI Bill, which became effective on August 1, 2009, provides the most comprehensive set of education benefits since the original GI Bill of 1944. USDVA Veterans Benefits Administration, *Annual Benefits Report: Fiscal Year 2011*, available at: http://www.vba.va.gov/REPORTS/abr/2011_abr.pdf, 37 (last viewed February 27, 2014). It is also the most widely utilized of all USDVA education programs. See page 40 of the annual report, which provides programmatic statistics from 2007-2011 and demonstrates that the Post-9/11 GI Bill program had more beneficiaries than any other program in 2010 and 2011.

⁷⁵ 38 U.S.C. §3321(a).

⁷⁶ USDVA, *Yellow Ribbon Program*, available at: http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last viewed February 27, 2014). The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies. Post-9/11 GI Bill benefits are allowed to be used for approved training, which includes: graduate and undergraduate degrees, non-college degree programs for vocational and technical training, apprenticeship and on-the-job training, flight training, correspondence training, certification and licensing, national testing programs, entrepreneurship training, and a tutorial assistance program.

An individual is eligible for a fixed percentage of the payments authorized under the Post-9/11 GI Bill based on an individual's amount of creditable active duty service since September 11, 2001.⁷⁷

Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program)

The Yellow Ribbon Program was created within the Post-9/11 GI Bill program as a means to partially or fully fund tuition and fee expenses that exceed the established thresholds under the Post-9/11 GI Bill.⁷⁸ Participation in the Yellow Ribbon Program is limited to veterans entitled to the maximum Post-9/11 GI Bill benefit rate (based on service requirements) or their designated transferees.⁷⁹ Both public and private colleges and universities are able to voluntarily participate in the Yellow Ribbon Program through an agreement with the USDVA.⁸⁰ The USDVA will match an institution's contributions, not to exceed 50 percent of the difference.⁸¹ Currently, two FCS institutions and four state universities in Florida are listed as Yellow Ribbon Program participants.⁸²

According to the USDVA, for Fiscal Year 2012,⁸³ the state of Florida had the third highest number of USDVA education beneficiaries (using one or more of the federal education assistance programs described above) in the nation with 62,911 beneficiaries, behind Texas (71,331) and California (83,574).⁸⁴ The number of USDVA education program beneficiaries in Florida has steadily increased since Fiscal Year 2000 (see table below).⁸⁵ According to the National Center for Veterans Analysis and Statistics, the total USDVA education program payment to Florida beneficiaries in Fiscal Year 2012 was \$702,492,751.

USDVA Education Beneficiaries in Florida	
Fiscal Year	Total Florida Beneficiaries
2000	25,556
2001	26,598
2002	28,394
2003	29,551
2004	31,815
2005	31,791
2006	32,193

⁷⁷ 38 U.S.C. §3313(c)(1)-(7); USDVA, Post 9/11 GI Bill, available at: http://www.benefits.va.gov/gibill/post911_gibill.asp (last viewed February 27, 2014).

⁷⁸ 38 U.S.C. §3317(a).

⁷⁹ USDVA, Educational Programs Home, available at: http://www.benefits.va.gov/gibill/education_programs.asp (last viewed February 27, 2014).

⁸⁰ 38 U.S.C. §3317(a), (c); see USDVA, Yellow Ribbon Program Information 2012-2013 School Year, available at: http://www.benefits.va.gov/gibill/yellow_ribbon/yrp_list_2012.asp (select "Florida" in the state list) (last viewed February 27, 2014).

⁸¹ 38 U.S.C. §3317(d)(1).

⁸² USDVA, Florida State Yellow Ribbon Program Information 2013-2014, available at: http://www.benefits.va.gov/gibill/yellow_ribbon.asp (last viewed February 27, 2014). The FCS institutions listed as participants are: the State College of Florida, Manatee-Sarasota (providing \$4,320.00 per student per year for a maximum of 20 students) and Gulf Coast State College, which is currently noted as providing \$0.00 per student per year for zero students. The state universities listed as participants are: Florida State University (providing an unlimited amount per student per year for an unlimited amount of students); University of Central Florida (providing \$6,000.00 per student per year for 30 undergraduate students; \$6,800.00 per student per year for 10 graduate students; and \$20,000 per student per year for 10 medical students); University of South Florida (providing \$6,000.00 per student per year for 24 undergraduate students; \$6,500.00 per student per year for 10 masters students; and \$2,100.00 per student per year for 4 medicine students); and University of West Florida (providing an unlimited amount per student per year for 250 students from all degree levels).

⁸³ Fiscal Year 2012 is the most recent year for which data is currently available regarding the number of USDVA education beneficiaries. USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012*, available at: <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012") (last viewed February 27, 2014).

⁸⁴ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012*, available at: <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012") (last viewed February 27, 2014).

⁸⁵ Id.

2007	33,963
2008	36,088
2009	36,394
2010	59,519
2011	68,133
2012	62,911

During Fiscal Year 2012, there were 42,607 Post-9/11 GI Bill beneficiaries in Florida.⁸⁶ The Post-9/11 GI Bill only covers the highest in-state undergraduate tuition;⁸⁷ therefore, a non-resident veteran would be responsible for the total costs that exceed the in-state tuition amount, unless the veteran attends an institution that voluntarily participates in the Yellow Ribbon Program.

Charter Schools (Section 35)

There are approximately 1.3 million children of active duty members of the Armed Forces.⁸⁸ In addition, there are over 700,000 children of members of the reserve component of the Armed Forces.⁸⁹ The state of Florida has the seventh highest number of military students attending public schools in the country.⁹⁰

Children in active-duty military families face unique educational challenges. The average military student faces transition challenges more than twice during high school, and most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.⁹¹

As a result, military children often experience delayed enrollment, inappropriate grade-level placement, exclusion from educational programs and extracurricular activities, and delayed graduation.⁹² Currently, one of the most common issues in the state of Florida involves the eligibility of transitioning military students in extracurricular activities.⁹³

Effect of Proposed Changes

The EDD Program (Sections 1-3)

⁸⁶ USDVA, Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012, available at: <http://www.va.gov/vetdata/Utilization.asp> (select “Benefit Programs” tab; then follow the hyperlink titled “Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012”) (last viewed February 27, 2014).

⁸⁷ USDVA, Yellow Ribbon Program, available at: http://www.benefits.va.gov/gibill/yellow_ribbon.asp (last viewed February 27, 2014).

⁸⁸ Military Child Education Coalition, A Policy Leaders’ Guide to Military Children, 2012, available at <http://www.militarychild.org/parents-and-students/resources> (last viewed February 27, 2014).

⁸⁹ Id.

⁹⁰ Id.

⁹¹ Council of State Governments, Interstate Compact of Educational Opportunity for Military Children, Legislative Resource Kit, 2008, available at: <http://www.csg.org/programs/policyprograms/NCIC/MIC3ResourcesandPublications.aspx> (last viewed February 27, 2014).

⁹² Council of State Governments, Interstate Compact of Educational Opportunity for Military Children, Legislative Resource Kit, 2008, available at: <http://www.csg.org/programs/policyprograms/NCIC/MIC3ResourcesandPublications.aspx> (last viewed February 27, 2014).

⁹³ Military Compact on Educational Opportunity for Military Children, Council Meeting Conference Call, October 11, 2013.

The bill appropriates \$1.53 million in recurring funds from the General Revenue Fund to the DMA to supplement the Educational Dollars for Duty program to ensure that Florida National Guard members are rewarded for their service to the country with the ability to pursue higher learning in the state. The bill also appropriates \$250,000 in nonrecurring funds from the General Revenue Fund to the DMA for the purpose of information technology upgrades to accommodate the administration and auditing of the EDD program.

The bill also makes changes to the EDD program to:

- require the Adjutant General to adopt rules that provide guidelines for authorizing online courses, industry certification training, and continuing education to maintain license certification;
- authorize the Adjutant General to reimburse a Guard member for textbook and instructional material costs, but only after tuition and fees for all participants are paid for that fiscal year; and
- require EDD program participants to sign a waiver permitting educational institutions that accept funding from the EDD program to provide course enrollment, course withdrawal, course cancellation, course completion or failure, and grade verification directly to the DMA Education Services Office.

Waiver of Out-of-state Fees for Veterans (Section 36)

Currently, non-residents, including non-resident veterans, must meet the residency requirements of s. 1009.21, F.S., to be charged in-state tuition. Without a specifically authorized fee exemption or waiver, non-resident students pay out-of-state fees in addition to the basic tuition fee rates.

The bill amends s. 1009.26, F.S., to create the “Congressman C.W. Bill Young Veteran Tuition Waiver Act” and to provide a mandatory out-of-state fee waiver for honorably discharged veterans of the U.S. Armed Forces, U.S. Reserve Forces, or the National Guard, who reside in the state while enrolled at a state university, FCS institution, career center operated by a school district under s. 1001.44, or charter technical center. Because it is mandatory, the fee waiver authorized in this bill will not be included for purposes of determining whether a school district providing workforce education programs or an FCS institution has reached the limitation set in Florida law.

This provision is anticipated to have a negative fiscal impact on Florida colleges, state universities, and career centers of approximately \$11.7 million.

Charter Schools (Section 35)

The bill amends s. 1002.33, F.S., to state the Legislature’s intention to address the unique challenges faced by military children and to encourage military installation commanders and the Commissioner of Education to work together to increase military family student achievement, including the option of establishing charter schools on military installations.

Employment

Current Situation

Veterans’ Preference in Employment (Sections 7-10)

The Florida statutes have included some form of veterans’ employment preference since 1947.⁹⁴ The purpose of the veterans’ preference statute is to reward those who served their country in time of need and to recognize the qualities and traits developed by military service.⁹⁵

⁹⁴ s. 1, ch. 24201, L.O.F. (1947).
STORAGE NAME: h7015c.EAC
DATE: 2/27/2014

Currently, Florida law requires all state government entities, counties, cities, towns, villages, special tax school districts, and special districts (government employers) to grant employment preference in hiring and retention to certain veterans, and spouses of certain military servicemembers and veterans, who are Florida residents.⁹⁶ 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.⁹⁷

Florida's veterans' preference in employment statutes do not require a government employer to hire a veteran over a more qualified non-veteran.⁹⁸ In addition, a potential government employer is not required to pass a person who is eligible for veterans' preference through the screening process if he or she does not meet the minimum qualifications for the position.⁹⁹

Government employers are not required to track the number of persons who claim veterans' preference; therefore, statistics indicating the number of eligible persons who requested veterans' preference, or the number of persons who were hired as a result of the preference requirements, are not always available. In 2012, the DVA counted 585 job applicants who claimed veterans' preference on their application and were hired by government employers.¹⁰⁰

Unlike government employers, private employers in Florida are not required to comply with veterans' preference requirements.

In 2012, the unemployment rate among veterans in Florida was 7.3 percent (9.0 percent for Post-9/11 veterans), while the national rate among veterans was 7.0 percent.¹⁰¹ The national unemployment rate among veterans in 2013 was 6.6 percent.¹⁰²

I. Persons Eligible for Employment Preference and Exceptions

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:¹⁰³

- a. a veteran with a service-connected disability;
- b. the spouse of a military servicemember with a permanent and total service-connected disability that prevents the military servicemember from qualifying for employment; and the spouse of a military servicemember that is missing in action, was captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- c. a wartime¹⁰⁴ veteran who was honorably discharged; and

⁹⁵ *Yates v. Rezeau*, 62 So.2d 726, 727 (Fla. 1952); Ch. 98-33, at 244, L.O.F.

⁹⁶ Section 295.07(1), F.S., requires the state and political subdivisions of the state to comply with veterans' preference requirements. Section 1.01, F.S., defines "political subdivision" as "counties, cities, towns, villages, special tax school districts, special road and bridge districts, and all other districts in the state. Rule 55A-7.004, F.A.C., contains a definition applicable specifically to veterans' preference statutes, and includes all the entities listed above, but also includes all Career Service System positions under the FCS and the School for the Deaf and the Blind among those required to give employment preference to veterans and spouses of veterans.

⁹⁷ s. 295.065, F.S.

⁹⁸ *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

⁹⁹ *Id.*

¹⁰⁰ According to DVA staff, the total number of people hired reflects SES and Career Service positions that may not be eligible for veterans' preference.

¹⁰¹ U.S. Congress, Joint Economic Committee, Economic Overview and Outlook: Florida, available at: <http://www.jec.senate.gov/public/index.cfm?p=statebystatereport> (last viewed February 27, 2014).

¹⁰² U.S. Department of Labor, Bureau of Labor Statistics, Databases, Tables & Calculators by Subject, available at: <http://www.bls.gov/webapps/legacy/cpsatab5.htm> (last viewed February 27, 2014).

¹⁰³ s. 295.07(1)(a)-(d), F.S.

¹⁰⁴ s. 1.01(14), F.S. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

- d. the unmarried widow or widower of a veteran who died as a result of a service-connected disability.

Currently, members of the Guard are not eligible to claim veterans' preference unless they are deployed and provided wartime service. Further, unlike Federal law, the mother of a military servicemember who was killed or injured in action is not eligible to claim veterans' preference in Florida.

Florida law exempts the following government positions from the veterans' preference requirements:¹⁰⁵

- positions that are exempt from the state Career Service System, including certain legislative branch personnel, judicial branch personnel, and personnel of the Office of the Governor; however, all positions under the University Support Personnel System of the SUS as well as all Career Service System positions under the FCS and the School for the Deaf and the Blind are included;
- positions in political subdivisions of the state which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each officer;
- members of boards and commissions;
- persons employed on a temporary basis without benefits;
- heads of departments;
- positions that require licensure as a physician, licensure as an osteopathic physician, or licensure as a chiropractic physician; and
- positions that require membership in The Florida Bar.

II. If an Examination Determines Qualification for Employment

If an examination is used to determine qualification for employment, points are added to the final examination score as follows:¹⁰⁶

- ten points for certain veterans with a service-connected disability; for the spouse of a military servicemember with a total, permanent, service-connected disability; and for the spouse of any person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power (i.e., those listed above in points a. and b. under "Persons Eligible for Employment Preference and Exceptions"); and
- five points for an honorably discharged, wartime veteran and for the unmarried widow or widower of any veteran who died from a service-connected disability (i.e., those listed above in points c. and d. under "Persons Eligible for Employment Preference and Exceptions").¹⁰⁷

In order for points to be awarded, the applicant must first obtain a qualifying score on the examination.¹⁰⁸

Florida law requires each government employer to enter the names of persons eligible for preference on an appropriate register or list in accordance with their respective ratings.¹⁰⁹ For most positions, the names of all persons qualified to receive a ten-point preference whose service-connected disabilities have been rated to be 30 percent or more must be placed at the top of the appropriate register or employment list, in accordance with their respective ratings.¹¹⁰ A Florida court determined that this provision gives an absolute preference for veterans to be placed at the top of the employment list only if the candidate has a 30 percent or more disability rating.¹¹¹

¹⁰⁵ s. 295.07(4)(a)-(b), F.S.

¹⁰⁶ s. 295.08, F.S.

¹⁰⁷ Rule 55A-7.010, F.A.C., provides further procedures for calculating points if the highest possible exam score is other than 100.

¹⁰⁸ Rule 55A-7.010(1), F.A.C.

¹⁰⁹ s. 295.08, F.S.

¹¹⁰ Id.

¹¹¹ Harris v. State. Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

However, the court further declared that there are no statutory provisions suggesting that veterans receiving a five or ten point exam score augmentation must be hired over more qualified non-veterans.¹¹²

III. *If an Examination Does Not Determine Qualification for Employment*

If an examination is not used to determine qualifications for a position, preference is given as follows:¹¹³

- first preference is given to a disabled veteran with a service-connected disability; the spouse of a military servicemember with any total, permanent, service-connected disability; and the spouse of any person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power (i.e., those listed above in points a. and b. under “Persons Eligible for Employment Preference and Exceptions”); and
- second preference is given to honorably discharged, wartime veterans and the unremarried widow or widower of a veteran who died of a service-connected disability who possesses qualifications necessary to discharge the duties of the position involved (i.e., those listed above in points c. and d. under “Persons Eligible for Employment Preference and Exceptions”).

In 1988, the Florida Attorney General opined that:

While mandating veterans' preference during the employment selection process, Ch. 295, F.S., by providing a means for reviewing the employment of a non-veteran over a preferred veteran, contemplates that non-veterans may be hired. Based upon this statutory scheme, I am unable to conclude that veterans' preference mandates that eligible veterans be hired over non-veterans. I have found no evidence of legislative intent to require the employment of veterans in all instances.¹¹⁴

The Florida Department of Veterans' Affairs (DVA) is responsible for promulgating rules or procedures to ensure that eligible persons are given special consideration in the selection and retention processes of government employers.¹¹⁵ These procedures must ensure that, for positions that do not require an examination, eligible persons are given special consideration at each step of the employment selection process and are given special consideration in the retention of employees where layoffs are necessitated.¹¹⁶

In 1988, the Florida Attorney General opined that veterans' preference provides special consideration for eligible veterans at each step of the employment selection process, but does not require the employment of a preferred veteran over a non-veteran who is the ‘most qualified’ applicant for the position. However, the employing agency is required to document and justify the decision to hire a non-veteran over the preferred veteran.¹¹⁷

IV. *Complaint and Appeal Process*

When a government employer selects a non-veteran over a person who is eligible for veterans' preference, the eligible person may file a written complaint with the DVA. The DVA must investigate the complaint and may file an opinion with the Public Employees Relations Commission (PERC) as to the merit or lack of merit in each case. The DVA must conduct all investigations within existing amounts appropriated by the Florida Legislature.¹¹⁸

¹¹² Id.

¹¹³ s. 295.085, F.S.

¹¹⁴ See Attorney General's Opinion 88-24.

¹¹⁵ s. 295.07(2), F.S.

¹¹⁶ s. 295.07(2), F.S.

¹¹⁷ See Attorney General's Opinion 88-24.

¹¹⁸ s. 295.11, F.S.

Jurisdiction to effectuate the purposes of the veterans' preference requirements rests with the PERC for appropriate administrative determination. If, upon preliminary review, the PERC agrees with the DVA's determination that a case lacks merit and finds a complete absence of justiciable issues of either law or fact raised by the veterans' preference complaint, the PERC must dismiss the complaint "without the necessity of holding a hearing."¹¹⁹

When a government employer selects a non-veteran over a person who is eligible for veterans' preference, the initial burden is on the veteran to show minimal qualifications; a timely and proper application for a covered position; and that the employer selected a non-veteran over a veteran with a lesser preference. The burden then shifts to the employer to show that the non-veteran applicant was more qualified.¹²⁰

If the PERC determines that a violation of the veterans' preference requirements has occurred, it must order the offending agency, employee, or officer to comply with the provisions and may issue an order to compensate the veteran for the loss of any wages and reasonable attorney's fees for actual hours worked, and costs of all work, including litigation, incurred as a result of the violation.¹²¹ However, attorney's fees and costs may not exceed \$10,000.¹²²

If reparation is sought through civil action in court, any agency, employee, or officer of a government employer found in violation of the veterans' preference requirements must also pay the costs of the suit and reasonable attorney's fees incurred in the action and pay damages as the court may award, any law to the contrary notwithstanding.¹²³

V. State Government Veterans' Preference Provision

With respect to non-exempt positions in the state's career service system, Florida law requires the state to grant a preference in hiring and retention to an eligible person if the eligible person meets the minimum eligibility requirements for the position and has the knowledge, skills, and abilities required for the position.¹²⁴ A disabled veteran employed as the result of being placed at the top of the appropriate employment list must be appointed for a probationary period of one year.¹²⁵ At the end of one year, if the disabled veteran's performance is satisfactory, the veteran will acquire permanent employment status and will be subject to the employment rules of the Florida Department of Management Services (DMS) and the veteran's employing agency.¹²⁶

VI. Federal Gold Star Mother Act

Pursuant to the United States Code, federal employers are required to grant employment preference to the mother of either (a) a service-connected permanently and totally disabled veteran or (b) an individual who lost his life under honorable conditions while serving in the U.S. Armed Forces during specified periods of active duty, provided that:¹²⁷

- her husband is totally and permanently disabled;
- she is widowed, divorced, or separated from the father and has not remarried; or
- she has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed.

¹¹⁹ Id.

¹²⁰ West Coast Regional Water Supply Authority v. Harris, 604 So.2d 892, 893 (Fla. 1st DCA 1992); *See also* Cox v. Pasco County, 16 FPER Para. 21517 (1990); Rosete v. Department of Professional Regulation, 15 FPER Para. 20518 (1989); Varela v. Department of Health and Rehabilitative Services, 15 FPER Para. 20517 (1989).

¹²¹ s. 295.14(1), F.S.

¹²² Id.

¹²³ s. 295.14(2), F.S.

¹²⁴ s. 110.2135(1), F.S.

¹²⁵ s. 110.2135(2), F.S.

¹²⁶ s. 110.2135(2), F.S.

¹²⁷ 5 U.S.C. § 2108(3)(F), (G)

VII. *Death Benefits for Family of Military Servicemembers*

The USDOD provides compensation to members of the U.S. Armed Forces through the death gratuity program. The death gratuity program provides for a special tax free payment of \$100,000 to eligible survivors of members of the U.S. Armed Forces, who die while on active duty or while serving in certain reserve statuses.¹²⁸ The death gratuity is the same regardless of the cause of death.¹²⁹ The longstanding purpose of the death gratuity has been to provide immediate cash payment to assist survivors of deceased members of the U.S. Armed Forces to meet their financial needs during the period immediately following a servicemember's death and before other survivor benefits, if any, become available.¹³⁰ The death gratuity is also payable if an eligible servicemember or former servicemember dies within 120 days of release or discharge from active duty, or active duty for training when the Secretary of the USDVA determines that the death resulted from injury or disease incurred or aggravated during such duty.¹³¹

Private Employment of Veterans (Section 11)

Currently, Florida law requires all state government entities, counties, cities, towns, villages, special tax school districts, and special districts (government employers) to grant employment preference in hiring and retention to certain veterans, and spouses of certain military servicemembers, who are Florida residents.¹³² Although Florida statutes have included some form of veterans' employment preference since 1947,¹³³ private employers in Florida are not required to comply with veterans' preference requirements.

Since 2011, four states have enacted statutes that allow private employers to create voluntary veterans' preference policies. In 2011, Washington created the first private employers preference statute.¹³⁴ It was followed by similar statutes in Minnesota¹³⁵ in 2012 and Arkansas¹³⁶ and North Dakota¹³⁷ in 2013. In addition, similar legislation has been considered during the past year in other states.¹³⁸ All of the statutes or proposed legislation extend the veterans' preference to an honorably discharged veteran or the spouse of a service-disabled veteran. Further, all of the statutes or proposed legislation clarify there is no violation of local or state equal employment law as a result of the permissive veteran preference for private employers.¹³⁹ A comparison of the enacted statutes and proposed legislation in other states and Florida's proposed statute are illustrated below.

Florida Is For Veterans, Inc. (Sections 6, 12-21)

There are several entities in Florida that, as a subset of their overall mission, provide education and employment assistance to veterans:

- The Florida Legislature 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

¹²⁸ USDOD, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed February 27, 2014).

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² Section 295.07(1), F.S., requires the state and political subdivisions of the state to comply with veterans' preference requirements. Section 1.01, F.S., defines "political subdivision" as "counties, cities, towns, villages, special tax school districts, special road and bridge districts, and all other districts in the state. Rule 55A-7.004, F.A.C., contains a definition applicable specifically to veterans' preference statutes, and includes all the entities listed above, but also includes all Career Service System positions under the FCS and the School for the Deaf and the Blind among those required to give employment preference to veterans and spouses of veterans.

¹³³ s. 1, ch. 24201, L.O.F. (1947).

¹³⁴ Wash. Rev. Code Ann. § 73.16.110.

¹³⁵ Minn. Stat. Ann. § 197.4551.

¹³⁶ Ark. Code Ann. § 11-15-103.

¹³⁷ ND ST 37-19.1-05.

¹³⁸ 2013 North Carolina House Bill No. 74, North Carolina 2013 General Assembly, 2013 Regular Session, 2013; 2013 Massachusetts Senate Bill No. 1878, Massachusetts One Hundred Eighty-Eighth General Court, 2013.

¹³⁹ Veterans' preferences accorded pursuant to statute are not subject to challenge under Title VII by virtue of the exception provided in Section 712 of the Act. *See* EEOC, Policy Guidance on Veterans' Preference Under Title VII, August 10, 1990, available at: http://www.eeoc.gov/policy/docs/veterans_preference.html#fn6 (last viewed February 27, 2014).

arising out of military missions and contracting, and to improve the state's military-friendly environment.¹⁴⁰

- With funding from the U.S. Department of Labor, the Florida DEO 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, with the help from One-Stop Career Centers staffed with a network of professional Disabled Veterans Outreach Program Specialists and Local Veteran Employment Representatives.¹⁴¹
- The Division of Career and Adult Education in the DOE administers the Veterans Diploma program. The DOE has also worked to ensure that veterans can receive academic credit for prior experience and training in the military.¹⁴²
- The DVA 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 through the member's military service. All services rendered by the DVA are without charge to the claimant.¹⁴³ The DVA annually publishes the Florida Veterans' Benefits Guide designed to provide the latest information on federal and state benefits.¹⁴⁴

However, there is no entity that is focused on promoting Florida as the future home for recently separated or retired military personnel.

Florida Department of Business and Professional Regulation License Fee Waivers (Section 26)

The Florida Department of Business and Professional Regulation (DBPR) was established in 1993 with the merger of the Department of Business Regulation and the Department of Professional Regulation.¹⁴⁵ The DBPR is the agency charged with licensing and regulating businesses and professionals in the state, including but not limited to, cosmetologists, veterinarians, real estate agents and pari-mutuel wagering facilities.¹⁴⁶ Section 455.213, F.S., provides the general provisions for issuance of professional licensure by the DBPR. The current statute waives 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.

Since October 1, 2012, the date on which the licensure fee waiver program became effective, the DBPR received requests from military veterans for waivers of 113 initial applications and 21 initial licenses; of these applications and licenses, nine applications and three licenses were for professions requiring more than 24 months of education and/or experience to qualify for licensure.¹⁴⁷ The total amount of fees waived was \$17,867.50 (\$13,810.50 initial applications, \$3,952.00 initial licenses and \$105.00 unlicensed activity fee).¹⁴⁸

DBPR Prescription Drug Wholesale Distributor Permit (Section 34)

Chapter 2010-161, Laws of Florida, transferred the Drugs, Devices, and Cosmetics Regulatory Program and the administration of chapter 499, Florida Statutes, from the Department of Health to the DBPR, effective October 1, 2011.

¹⁴⁰ s. 288.987, F.S.

¹⁴¹ DEO website, Veterans Employment Program, available at: <http://www.floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/veterans-employment-program> (last viewed February 27, 2014).

¹⁴² DOE website, Veteran Diploma Program, available at: <http://www.fldoe.org/workforce/veteran-diploma.asp> (last viewed February 27, 2014).

¹⁴³ State of Florida website, available at: <http://www.myflorida.com/agency/49/> (last viewed February 27, 2014).

¹⁴⁴ DVA website, Resources, available at: <http://floridavets.org/> (last viewed February 27, 2014).

¹⁴⁵ Chapter 93-220, L.O.F.

¹⁴⁶ DBPR website, available at: <http://www.myfloridalicense.com/dbpr/index.html> (last viewed February 27, 2014).

¹⁴⁷ DBPR 2014 Agency Bill Analysis: SB 418.

¹⁴⁸ Id.

Currently, prescription drug wholesale distributors are regulated by DBPR's Drugs, Devices, and Cosmetics division (DDC). All applicants and permittees must designate in writing at least one natural person to serve as the designated representative (certified designated representative).¹⁴⁹ Such person must have an active certification from the DBPR.¹⁵⁰ 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:¹⁵¹

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

Florida Department of Health Provisions for Military Servicemembers and Veterans (Sections 27-33)

I. Florida Department of Health (DOH) – In general

The DOH was established in 1996.¹⁵² The DOH is the agency charged with overseeing all matters of public health, and the State Surgeon General was established to act as the state's leading advocate for wellness and disease prevention.¹⁵³

The Division of Medical Quality Assurance (DMQA) of the DOH evaluates the credentials of all applicants for licensure, issues licenses, analyzes and investigates complaints, inspects facilities, assists in prosecuting practice act violations, combats unlicensed activity, and provides credentials and discipline history about licensees to the public.¹⁵⁴ The DMQA licenses and regulates seven types of facilities and 200-plus license types in more than 40 healthcare professions.¹⁵⁵ In Fiscal Year 2012-2013, the DMQA regulated a total of 1,091,306 health care practitioners in a total of 25,286 facilities/establishments.¹⁵⁶

All health care practitioners are required to comply with the licensing provisions specified for the health care profession and corresponding practice act¹⁵⁷ that they are seeking to be licensed under. The board (or DOH if there is no board), determines whether the DOH should issue a license to practice in Florida.

Florida law defines a health care practitioner as any person licensed under the following DOH licensure provisions:¹⁵⁸

- Acupuncturist, pursuant to chapter 457;
- Medical Doctor, pursuant to chapter 458;
- Osteopathic Physician, pursuant to chapter 459;
- Chiropractor, pursuant to chapter 460;
- Podiatrist, pursuant to chapter 461;
- Naturopath, pursuant to chapter 462;

¹⁴⁹ s. 499.012(16)(a), F.S.

¹⁵⁰ Id.

¹⁵¹ s. 499.012(16)(b)(3), F.S.

¹⁵² DOH website, available at: <http://www.floridahealth.gov/public-health-in-your-life/about-the-department/index.html> (last viewed February 27, 2014).

¹⁵³ Id.

¹⁵⁴ DOH, Division of Medical Quality Assurance (DMQA), Reports and Publications, 2009-2010 Annual Report, available at: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed February 27, 2014).

¹⁵⁵ DOH, DMQA website, available at: <http://www.flhealthsource.com/> (last viewed February 27, 2014).

¹⁵⁶ DOH, DMQA, Reports and Publications, 2012-2013 Annual Report, available at: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed February 27, 2014).

¹⁵⁷ "Practice Acts" are in statute for each profession and establish the scope and standards of practice of the profession, and provide grounds for disciplinary action.

¹⁵⁸ s. 456.001, F.S.

- Optometrist, pursuant to chapter 463;
- Nurse; pursuant to chapter 464;
- Pharmacist; pursuant to chapter 465;
- Dentist and Hygienist, pursuant to chapter 466;
- Midwife, pursuant to chapter 467;
- Speech therapist, pursuant to part I of chapter 468;
- Nursing home administrator, pursuant to part II of chapter 468;
- Occupational therapist, pursuant to part III of chapter 468;
- Respiratory therapist, pursuant to part V of chapter 468;
- Dietician/Nutritionist, pursuant to part X of chapter 468;
- Athletic trainer, pursuant to part XIII of chapter 468;
- Electrologist, pursuant to chapter 478;
- Massage therapist, pursuant to chapter 480;
- Laboratory personnel, pursuant to part I of chapter 483;
- Medical physicist, pursuant to part IV of chapter 483;
- Opticianry and hearing aid specialist, pursuant to chapter 484;
- Physical therapist, pursuant to chapter 486;
- Psychologist, pursuant to chapter 490; and
- Counselors, pursuant to chapter 491.

In addition, emergency medical services personnel are regulated by the DOH under part III of chapter 401 and radiological personnel are regulated under part IV of chapter 468.

In 1992, the Florida Legislature passed the Access to Health Care Act, which created the Volunteer Health Care Provider Program (VHCPP).¹⁵⁹ The intent of this legislation was twofold: to increase access to health care for uninsured and underserved Floridians and to increase the number of health care volunteers through the extension of state-sponsored sovereign immunity protection.¹⁶⁰ Through VHCPP, government health care providers¹⁶¹ employ volunteers to provide uncompensated health care services to low-income patients, with the protection of sovereign immunity.¹⁶²

II. Health Care Practitioners Serving in the Military

A member of the Florida National Guard (Guard) who holds an active license to practice medicine in any other state or Puerto Rico, while serving as a medical officer in the Guard pursuant to federal or state orders, is expressly authorized to practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.¹⁶³

A member of the U.S. Armed Forces or the U.S. Public Health Service, while on active duty and while acting within the scope of his or her military or public health responsibilities, is not subject to the Florida Health Care Practitioner Licensure requirements.¹⁶⁴

Although a member of the U.S. Armed Forces or the U.S. Public Health Service performs medical care on U.S. soldiers and other citizens as part of his or her duties, he or she generally cannot perform medical care on civilians without a Florida medical license or temporary certificate.

III. Temporary Certificate to Practice in Area of Critical Need

A physician is eligible to receive a temporary certificate to practice in an area of critical need (temporary certificate) if he or she:¹⁶⁵

¹⁵⁹ s. 1, ch. 92-278, L.O.F.

¹⁶⁰ s. 766.1115(2), F.S.

¹⁶¹ See s. 766.1115(3)(c)-(d), F.S. for a detailed description of the eligible health care providers.

¹⁶² s. 766.1115(3)(a), F.S.

¹⁶³ s. 250.375, F.S.

¹⁶⁴ s. 458.303(c), F.S.

¹⁶⁵ ss. 458.315(2)(a)-(b) and 459.0076(2)(a)-(b), F.S.

- holds a valid license to practice in any jurisdiction in the United States; or
- served as a physician in the U.S. Armed Forces for at least 10 years and received an honorable discharge from the military; and
- pays an application fee of \$300.

An active duty military servicemember is not eligible to receive a temporary certificate, unless he or she is currently licensed in any jurisdiction in the United States.

The State Surgeon General is tasked with determining the areas of critical need.¹⁶⁶ Such areas may include a health professional shortage area designated by the U.S. Department of Health and Human Services.¹⁶⁷ The temporary certificate is valid for as long as the State Surgeon General determines that the reason for which it was issued remains a critical need to the state.¹⁶⁸ The temporary certificate may only be used in certain designated facilities in an area of critical need or other facilities approved by the State Surgeon General.¹⁶⁹ The Board of Medicine is required to review each temporary certificate holder annually to ensure compliance with the Medical Practice Act.¹⁷⁰

The temporary certificate is also known as the Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need. Rear Admiral LeRoy Collins, Jr. died July 29, 2010, in Tampa, Florida, at the age of 75. He graduated from the U.S. Naval Academy in 1956, embarking upon a 34-year military career and retiring as a two-star Rear Admiral in 1990.

After submitting the 27 page application, the estimated length of time it takes to receive a temporary certificate is between two to six months.¹⁷¹ In comparison, after submitting the 30 page application for a full license to become a medical doctor in Florida, the average number of days to issue such license in Fiscal Year 2009-2010 was 56.5 days, according to the DOH.¹⁷² This is calculated from the date an application is received by the DOH to the date the license is issued.

Military physicians often seek to volunteer at community medical clinics during their dwell time.¹⁷³ However, the short length of dwell time, combined with the length of time it takes to receive a temporary certificate, makes it difficult for a military physician to obtain a temporary certificate and volunteer at a medical facility before he or she is redeployed or reassigned to another base.

IV. Department of Health Fee Waivers

Section 456.013, F.S., provides the general licensing provisions for all professions regulated by the DMQA. The current statute waives 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.

¹⁶⁶ ss. 458.315 (4)(a) and 459.0076(4)(a), F.S.

¹⁶⁷ Health Professional Shortage Areas (HPSAs) are defined in s. 332 of the Public Health Service Act, 42 U.S.C. §254e to include: (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health professionals. The federal designation as a HPSA documents a shortage of health care providers (primary care, dental or mental health) as well as the existence of barriers to accessing care including lack of public transportation, travel time and distance to the next source of undesignated care and high poverty. To be eligible for designation, a geographic area or a population group (a low income or migrant population) must have a population-to-physician ratio greater than 3,000 to one. See DOH, Division of Health Access and Tobacco, Office of Health Professional Recruitment, available at: <http://www.doh.state.fl.us/workforce/recruit1/shortdesig.html> (last viewed February 27, 2014).

¹⁶⁸ ss. 458.315(4)(c) and 459.0076(4)(c), F.S.

¹⁶⁹ ss. 458.315(4)(a)1. and 459.0076(4)(a)1., F.S.

¹⁷⁰ ss. 458.315 (4)(c) and 459.0076(4)(c), F.S.

¹⁷¹ Florida Board of Medicine, Temporary Certificate for Practice in Areas of Critical Need, Process, available at: <http://www.flboardofmedicine.gov/licensing/temporary-certificate-for-practice-in-areas-of-critical-need/> (last viewed February 27, 2014).

¹⁷² Florida Board of Medicine, Medical Doctor – Unrestricted, Application, available at:

<http://www.flboardofmedicine.gov/licensing/medical-doctor-unrestricted/> (last viewed February 27, 2014).

¹⁷³ 'Dwell time' refers to the time a military servicemember spends at a home after returning from deployment.

Additionally, 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 is waived within 24 months after discharge from the U.S. Armed Forces.

Since July 1, 2013, the date on which the licensure fee waiver program became effective, the DOH approved 292 waiver requests under s. 456.013, F.S., from military veterans in medical professions including, but not limited to, registered nurses, medical doctors, paramedics, and physical therapists. According to the DOH, the total amount of fees waived was \$15,513 (\$8,110 initial applications, \$6,993 initial license, and \$410 unlicensed activity fee).¹⁷⁴ In addition, the DOH approved 2 waiver requests from radiological personnel, totaling \$90.00 in waived fees.

Effect of Proposed Changes

Public Employment of Veterans (Sections 7-10)

The bill amends Florida's veterans' preference in employment statutes to increase the field of persons eligible for veterans' preference to include all veterans, Guard members, U.S. Reserve Forces, and Gold Star Mothers, Fathers, and legal guardians.

The bill amends the point system for positions determined by an examination as follows:

Category	Current	Proposed
Disabled Veteran	10	15
Spouse of Person With Total Disability, Missing in Action, Captured in Line of Duty, Etc.	10	15
Wartime Veteran	5	10
Un-remarried widow/widower of Person Who Died of a Service-Connected Disability	5	10
Gold Star Family	Not Included	10
Veteran	Not Included	5
National Guard/Reserve	Not Included (unless qualifying under another provision above)	5

Between 2007 and 2010, the DVA received an average of approximately 136 complaints per year from veterans alleging that a government employer violated the veterans' employment preference requirements. However, the average increased to 925 complaints per year between 2011 and 2013, primarily due to increased awareness of the complaint process. Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints; however, the frequency and cost of potential future complaints is indeterminate. According to the DVA, any additional complaints will be processed by the full-time employee currently assigned to the program. It should also be noted that s. 295.11, F.S., requires the DVA to conduct all investigations within existing amounts appropriated to the DVA.

If the number of complaints increases as a result of the proposed changes, the PERC may also experience an increase in the number of complaints it must investigate and adjudicate. The frequency and cost of potential future complaints is indeterminate.

Private Employment of Veterans (Section 11)

¹⁷⁴ In addition to the \$15,513 in waived fees, the DOH waived \$1,170 in examination fees for registered nurses and licensed practical nurses.

The bill creates s. 295.188, F.S., to authorize the establishment of preference in private employment for honorably discharged veterans, the spouse of a service-disabled veteran, the unremarried widow or widower of a veteran who died of a service-connected disability, or the 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 employer's preference policy must be applied uniformly to employment decisions regarding hiring and promotion.

Florida Is For Veterans, Inc. (Sections 6 and 12-21)

The bill creates s. 295.21, F.S., to create the Florida Is For Veterans, Inc. (the corporation), a nonprofit corporation within the DVA, to promote Florida as a veteran-friendly state. The corporation will encourage and assist retired and recently separated military personnel to keep or make Florida their permanent residence and help equip veterans for employment opportunities and promote the hiring of veterans.

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,¹⁷⁵ the restrictions on employment of relatives,¹⁷⁶ and restrictions on voting conflicts¹⁷⁷ 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.¹⁷⁸ 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 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 DVA may provide department property, facilities and personnel services to the corporation.

The corporation is subject to public records and meetings provisions of Florida statutes,¹⁷⁹ and must submit the following reports:

- Annual Progress Report - the corporation must provide the Governor and the Legislature with an annual progress report and work plan by December 1 of each year. The report must include:
 - status and summary of findings regarding the target market, veteran benefits and any identified gaps in services;

¹⁷⁵ s. 112.313, F.S.

¹⁷⁶ s. 112.3135, F.S.

¹⁷⁷ s. 112.3143, F.S.

¹⁷⁸ 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. 112.3144, F.S., must file a statement of financial interest under s. 112.3145, F.S.

¹⁷⁹ Chapters 119 and 286, F.S.

- 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; and
 - annual compliance and financial audit of accounts and records.
- Performance Audit – 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.
 - Progress Report - the bill requires the corporation submit a report to the Governor, the President of the Senate and the Speaker of the House of Representatives identifying existing gaps in veteran resources and recommending best practices to assist veterans and improve current or new resources and programs by February 2, 2016.
 - Program Analysis - the bill requires the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the entrepreneurship initiative and training grant programs created under the VETS program as part of the Economic Development Programs Evaluation due by January 1, 2019, and every three years thereafter.
 - Florida Is For Veterans, Inc. Legislative Budget Commission (LBC) Report – the bill requires the corporation to submit a report to the LBC, through the DVA, in accordance with the provisions of s. 216.177, that provides a plan for the general operations of the corporation, including the fulfillment of the corporation's purpose, duties, and goals. The report shall include specific performance measures by which the corporation and its functions shall be evaluated. The report shall include details of the corporation's existing expenditures and obligations, as well as a budget and timelines for expected expenditures related both to general operations and to products, services, and grants to be provided under programs the corporation is charged with administering. The LBC approval of measures is required prior to expending any funds. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the chair and vice chair of the LBC by August 15, 2014.
 - VETS program LBC Report – The Florida Tourism Industry Marketing Corporation (VISIT Florida) and the corporation shall jointly develop and submit to the LBC, through the DEO and in accordance with the provisions of s. 216.177, specific performance measures by which the research and marketing campaign shall be evaluated. Further, VISIT Florida and the corporation shall jointly submit, through the DEO, the report to the President of the Senate, the Speaker of the House of Representatives, and the chair and vice chair of the LBC by August 15, 2014. The LBC approval of measures is required prior to expending any funds.

The bill also creates s. 295.22, F.S., to create the Veterans Employment and Training Services Program (VETS). VETS shall be administered by the corporation with the purpose of connecting veterans and employers, including the following services:

- Services offered to veterans include:
 - skill assessments, including translation of military skills into civilian workforce skills;
 - assistance in establishing employment goals, including providing information on DOE 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 resume creation and referring a veteran to the state's job bank system (Employ Florida Marketplace) or his or her Local One-Stop Career Center. The corporation must provide information on the state's workforce programs on a central website;

- 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.

As part of the VETS program, the corporation 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.

As part of the VETS program, the corporation 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 for any training provided by the business, including in-house providers and state colleges or universities. Preference is given to target industry businesses.¹⁸⁰ A business must enter into an agreement with the corporation 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.

The corporation 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 the corporation.

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

The bill also creates s. 295.23, F.S., to provide that VISIT Florida shall administer a market research and campaign, including the following duties:

- research veteran demographics 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; and
- develop an information dissemination process to veterans of all ages regarding access to benefits.

DBPR License Fee Waivers (Section 26)

The bill amends s. 455.213, F.S., to extend the time allowed for the fee waiver from 24 months to 60 months. Further, the bill extends the waiver to include the spouse of a military servicemember at the time of discharge.

¹⁸⁰ 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.enterpriseflorida.com/why-florida/business-climate/incentives/> (last viewed February 27, 2014).

The DBPR anticipates future requests for fee waivers to be consistent with past requests.¹⁸¹ Given the low number of waivers from past applicants and licensees for professions requiring greater than 24 months of qualification education and/or experience, the DBPR is unable to accurately estimate the fiscal impact of extending the waiver period from 24 months to 60 months.¹⁸² However, the DBPR does not anticipate a significant increase in waiver requests due to the provisions of this bill.¹⁸³

DBPR Prescription Drug Wholesale Distributor Permit (Section 34)

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

DOH License Fee Waivers (Sections 27 and 33)

The bill amends ss. 456.013 and 468.304, F.S., to extend the time allowed for the fee waiver from 24 months to 60 months. Further, the bill extends the waiver to include the spouse of a military servicemember at the time of discharge.

DOH Military Health Care Practitioner Licensure (Section 28)

The bill amends s. 456.024, F.S., to provide a health care practitioner with licensure to practice in Florida within his or her respective field to an applicant who received, or will receive, an honorable discharge within six month of submission of an application, from his or her service in the U.S. Armed Forces, including its Reserve and National Guard components, or the U.S. Public Health Service, provided he or she meets all other eligibility and application criteria.

Temporary Certificate in Area of Critical Need (Sections 29-32)

The bill amends ss. 458.315 and 459.0076, F.S., to remove the current language related to military and veteran physicians.

The bill creates ss. 458.3151 and 459.00761, F.S. to streamline the DOH application requirements for a temporary certificate for practice in areas of critical need for applicants who are active duty military and veterans.

The bill requires a military or veteran physician to provide information regarding the work to be performed as well as proof of his or her credentials to perform such work without requiring redundant or unnecessary information, all while maintaining a strong vetting process in order to not compromise public safety.

The bill requires the DOH to issue a simplified application process, which does not request unnecessary and redundant information, and the DOH is required to make a determination within ten days of receipt of a completed application.

Florida Veterans’ Walk of Honor and Florida Veterans’ Memorial Garden (Section 5)

Current Situation

Direct Support Organization

Current Florida law authorizes the DVA to establish a direct support organization (DSO).¹⁸⁴ The DSO relies on public donations to fund programs that benefit veterans and their families.

Military Recognition by Florida Legislature

¹⁸¹ DBPR 2014 Agency Bill Analysis: HB 7015.

¹⁸² Id.

¹⁸³ Id.

¹⁸⁴ s. 292.055, F.S.

The Florida Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the state.¹⁸⁵ The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the state, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.¹⁸⁶

There are no funds generated by the Veterans' Hall of Fame or Medal of Honor Wall for the benefit of veterans or their families.

Effect of Proposed Change

The bill creates the Florida Veterans' Walk of Honor (Walk of Honor) and the Florida Veterans' Memorial Garden (Memorial Garden). The Walk of Honor and Memorial Garden are to be administered by the DVA's direct support organization. The bill directs the DMS to set aside an area for the Walk of Honor on the Capitol grounds. The direct support organization will sell memorial bricks inscribed with the name, rank, military service, award, and other information to be used for the Walk of Honor's construction. The bill also directs the DMS to set aside an area for the Memorial Garden.

The DMS must consult with the DVA and the DVA'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 DVA's direct support organization will take orders from the public for the memorial bricks, which will generate a recurring funding stream for the support of veterans and for the construction of the Memorial Garden.

Florida's State Veterans' Domiciliary Home and Veterans' Nursing Homes (Sections 22 and 23)

Current Situation

The State Veterans' Homes Program provides health care to eligible veterans in need of either long-term skilled nursing care or assisted living services. 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.¹⁸⁷ Admission criteria are based on the need to maintain a safe environment for all residents.¹⁸⁸ The skilled nursing and assisted living homes only admit those persons whose needs can be met within the accommodations and services it provides with consideration for all residents.¹⁸⁹

State Veterans' Domiciliary Home

The Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City opened to residents in 1990.¹⁹⁰ The 149-bed assisted living facility provides a combination of housing, personalized supportive services and incidental medical care to eligible veterans.¹⁹¹ Veterans must be able to feed and dress themselves, and must be in need of assisted living care.¹⁹²

¹⁸⁵ s. 265.003, F.S.

¹⁸⁶ s. 265.002, F.S.

¹⁸⁷ DVA, Annual Report, Fiscal Year 2012-2013.

¹⁸⁸ Id.

¹⁸⁹ Id.

¹⁹⁰ DVA, State Veterans' Homes, available at: http://floridavets.org/?page_id=87 (last viewed February 27, 2014).

¹⁹¹ Id.

¹⁹² Id.

In order to be eligible for residency in the State Veterans' Domiciliary Home, a veteran¹⁹³ must:¹⁹⁴

- have been a resident of the state for one year immediately preceding application;
- be a resident of the state at the time of application;
- not be mentally ill, habitually inebriated, or addicted to drugs;
- not owe money to the DVA for services rendered during any previous stay at a DVA facility;
- have applied for all financial assistance reasonably available through governmental sources; and
- have been approved as eligible for care and treatment by the USDVA.

Admittance priority for the domiciliary home must be given to eligible veterans in the following order:¹⁹⁵

- an eligible veteran with wartime service, who has a service-connected disability or disabilities but is not in need of hospitalization or nursing home care;
- an eligible veteran with wartime service, who has a non-service-connected disability or disabilities but is not in need of hospitalization or nursing home care;
- an eligible veteran with wartime service, other than those described above;
- an eligible veteran with peacetime service.

State Veterans' Nursing Homes

In Florida, six state veterans' nursing homes operated by the DVA provide full-service, long-term residential nursing care to eligible veterans.¹⁹⁶ The homes are supervised 24-hours daily by registered and licensed nurses.¹⁹⁷ Five of the six skilled nursing facilities have dementia-specific wings.¹⁹⁸ The six nursing homes are located in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte, and St. Augustine.¹⁹⁹

In order to be eligible for admittance to a state veterans' nursing home, the veteran²⁰⁰ must:²⁰¹

- be in need of nursing home care;
- have been a resident of the state for one year immediately preceding application;
- be a resident of the state at the time of application;
- not owe money to the DVA for services rendered during any previous stay at a DVA facility;
- have applied for all financial assistance reasonably available through governmental sources; and
- have been approved as eligible for care and treatment by the USDVA.

The DVA director may waive the residency requirement for a veteran, who is otherwise eligible under Florida law for admittance to a home, and who is a disaster evacuee of a state that is under a declared state of emergency.²⁰²

Admittance priority for the nursing homes must be given to eligible veterans in the following order of priority:²⁰³

1. An eligible veteran who is a resident of the State of Florida.

¹⁹³ Veterans eligible for residency in the domiciliary home include those with wartime service, as defined in s. 1.01(14), F.S., or peacetime service, as defined in s. 296.02, F.S.

¹⁹⁴ s. 296.06(2)(a)-(f), F.S.

¹⁹⁵ s. 296.08(1)(a)-(d), F.S.

¹⁹⁶ DVA, Annual Report, Fiscal Year 2012-2013.

¹⁹⁷ Id.

¹⁹⁸ Id.

¹⁹⁹ Id.

²⁰⁰ Veterans eligible for residency in a nursing home include those with wartime service, as defined in s. 1.01(14), F.S., or peacetime service, as defined in s. 296.02, F.S.

²⁰¹ s. 296.36(1) F.S.

²⁰² s. 296.36(2), F.S.

²⁰³ s. 296.36(3)(a)-(c), F.S.

2. An eligible veteran who has a service-connected disability as determined by the USDVA, or was discharged or released from military service for disability incurred or aggravated in the line of duty and the disability is the condition for which nursing home care is needed.
3. An eligible veteran who has a non-service-connected disability and is unable to defray the expense of nursing home care and so states under oath before a notary public or other officer authorized to administer an oath.

Occupancy Figures

For Fiscal Year 2012-2013, the total number of beds available in the Florida State Veterans' Homes Program was 869, with 720 representing nursing home beds.²⁰⁴ According to Florida's Agency for Health Care Administration, Florida has a total of 83,229 nursing home beds with a total of 3.4 million seniors and more than 500,000 with Alzheimer's or related dementias.²⁰⁵ The veteran population over 65 years old in Florida is estimated to be 697,000.²⁰⁶

During Fiscal Year 2012-2013, the average occupancy rate for state veterans' homes in operation two years or longer was 97 percent (see table below). The Robert H. Jenkins State Veterans' Domiciliary Home in Lake City operated at an average of 86 percent (see table below).

Facility Occupancy Rates by Fiscal Year²⁰⁷				
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Robert J. Jenkins State Veterans' Domiciliary Home, Lake City	77%	85%	85%	86%
Emory L. Bennett State Veterans' Nursing Home, Daytona Beach	88%	77%	94%	99.4%
Baldomero Lopez State Veterans' Nursing Home, Land O' Lakes	99%	99%	100%	99.4%
Alexander Ninger State Veterans' Nursing Home, Pembroke Pines	95%	98%	98%	98.8%
Clifford C. Sims State Veterans' Nursing Home, Panama City	99%	99%	100%	99.9%
Douglas T. Jacobson State Veterans' Nursing Home, Port Charlotte	97%	98%	99%	99.6%
Clyde E. Lassen State Veterans' Nursing Home, St. Augustine	N/A	23%	83%	99.1%
State Veterans' Homes Program Average²⁰⁸	93%	93%	96%	97.1%

The DVA anticipates a steep increase in demand for nursing home beds as Vietnam era veterans reach the age where nursing home care is usually required. According to the DVA, the number of Vietnam era veterans currently in the state (498,167) is significantly higher than the current nursing home population of World War II (113,754) and Korean Conflict era veterans (178,250). Further, the DVA anticipates that most Vietnam era veterans will be eligible for nursing home care to due illnesses and service-connected disabilities caused by exposure to Agent Orange.

Effect of Proposed Change

The bill amends ss. 296.06(2)(b) and 296.36(1)(b), F.S., to remove the one year residency requirement to allow veterans, who meet all other requirements for admission and are currently residents of the state, immediate access to vacancies in the State Veterans' Domiciliary Home or a state veterans' nursing home.

The DVA states that fulfilling the vacant beds in the SVDH and SVNHS would not increase the cost of

²⁰⁴ DVA, Annual Report, Fiscal Year 2012-2013.

²⁰⁵ Id.

²⁰⁶ Id.

²⁰⁷ Id.

²⁰⁸ Average occupancy excludes St. Augustine, which has two years to meet the Performance Measure.

Driver License Provisions for Nonresident Military Servicemembers (Sections 24 and 25)

Current Situation

Driver License Exemptions for Non-Resident Military Servicemembers

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.²¹⁰ However, a non-resident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.²¹¹ Pursuant to this exemption, a non-resident military servicemember and his or her dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.²¹²

Current law provides that once a non-resident accepts employment in the state or enrolls his or her children in a Florida public school, the non-resident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.²¹³ Further, the spouse and dependents of the non-resident must obtain a Florida driver license within 30-days after the commencement of such employment or education.

Florida law specifically exempts an active duty military servicemember stationed in Florida from the requirement to obtain a Florida driver license when the servicemember enters his or her children in a Florida public school.²¹⁴ To be eligible for the exemption, the servicemember must have a valid military driving permit or a valid driver license issued by another state.²¹⁵ This exemption currently does not apply to the servicemember's spouse or dependents.

Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license²¹⁶ upon payment of the required renewal fees and successful passage of any required examination.²¹⁷ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.²¹⁸ The renewal fee for a Class E driver license is \$48, which is deposited into the state's General Revenue Fund. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee, which is also deposited into the state's General Revenue Fund.²¹⁹

Florida law grants a military servicemember serving on active duty outside this state, and dependents residing with him or her, an automatic extension without reexamination for a Class E driver license that expires while performing such service.²²⁰ This extension is valid for 90 days after the servicemember is either discharged or returns to the state of Florida to live.²²¹

²⁰⁹ DVA 2014 Legislative Proposals.

²¹⁰ s. 322.03(1), F.S.

²¹¹ s. 322.04(1)(c), F.S.

²¹² See Attorney General's Opinion 78-164 (1978).

²¹³ s. 322.031(1), F.S.

²¹⁴ s. 322.031(2), F.S.

²¹⁵ s. 322.031(1), F.S.

²¹⁶ Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

²¹⁷ s. 322.18(4)(a), F.S.

²¹⁸ s. 322.121(1), F.S.

²¹⁹ s. 322.21(1)(c), F.S.

²²⁰ s. 322.121(5), F.S.

²²¹ Id.

Upon a servicemember's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the driving privileges of the servicemember and his or her dependents.²²² The DHSMV currently recognizes a "dependent" as a servicemember's spouse, children and step-children under the age of 21, living in the same household.²²³

Effect of Proposed Change

The bill amends s. 322.031, F.S., to exempt an active duty military servicemember's spouse, and dependents who reside with him or her, from obtaining a Florida driver license if the servicemember's spouse begins employment in this state or a dependent of the servicemember enrolls in a Florida public school. The Revenue Estimating Conference met on January 31, 2014, and projected a negative indeterminate cost impact as a result of this provision

The bill amends s. 322.121, F.S., to clarify that the military servicemember's spouse, and dependents who reside with him or her, are eligible for an automatic extension without reexamination for a Florida driver license that expires while he or she is stationed outside of Florida. The Revenue Estimating Conference met on January 31, 2014, and determined there would be no cost impact as a result of this provision.

Manual for Courts-Martial (Section 4)

Current 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 or state law, are part of the military laws of Florida.²²⁴

The federal Uniform Code of Military Justice (UCMJ) contains the substantive and procedural laws governing the military justice system.²²⁵ For the purposes of conducting Courts-Martial, federal regulations have provided for a Manual for Courts-Martial, of which the 2008 version has been adopted into state law for use by the Florida National Guard.²²⁶ The Manual for Courts-Martial outlines procedural rules and punishments for violations of crimes.²²⁷

Florida National Guard members are subject to the UCMJ, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.²²⁸

Federal regulations require states to annually review the Manual for Courts-Martial to remain current with changes to the UCMJ.²²⁹

Effect of Proposed Change

This bill adopts the 2012 version of the Manual for Courts-Martial.

Effective Date (Section 39)

²²² DHSMV, Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida, available at: <http://www.flhsmv.gov/MilExtCard.pdf> (last viewed February 27, 2014).

²²³ DHSMV, How do I renew my license or ID card?, available at: <http://www.flhsmv.gov/ddl/renewing.html> (last viewed February 27, 2014).

²²⁴ s. 250.03, F.S.

²²⁵ 10 U.S.C. §47.

²²⁶ s. 814, Art. 2(a)(3) of the UCMJ excludes National Guard members from its provisions unless they are activated for federal service. However, s. 250.35(1), F.S., adopts the UCMJ and the Manual for Courts-Martial for use by the Florida National Guard.

²²⁷ r. 101, Manual for Courts-Martial, United States (2012).

²²⁸ s. 250.351, F.S.

²²⁹ Executive Order 12473 (July 13, 1984). 10 U.S.C.

The effective date of the bill is July 1, 2014. Section 5 is effective upon the act becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends s. 250.10, F.S., to revise participation requirements and authorize certain courses for the Educational Dollars for Duty program

Section 2: Provides \$1.53 million in recurring funds to pay the tuition and fees for certain Florida National Guard members at a state university or Florida College System institution.

Section 3: Provides \$250,000 in nonrecurring funds for information technology upgrades to accommodate the Educational Dollars for Duty Program.

Section 4: Amends s. 250.35, F.S., to update references with respect to courts-martial.

Section 5: Creates s. 265.0031, F.S., to create the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden.

Section 6: 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 perform an analysis of the entrepreneurship initiative and training grant programs established under s. 295.21(3)(d) and (e), F.S.

Section 7: Amends s. 295.065, F.S., to revise and provide governmental employment preference for certain persons.

Section 8: Amends s. 295.07, F.S., to revise and provide governmental employment preference for certain persons.

Section 9: Amends s. 295.08, F.S., to revise and provide governmental employment preference for certain persons.

Section 10: Amends s. 295.085, F.S., to revise and provide governmental employment preference for certain persons.

Section 11: Creates s. 295.188, F.S., to create a permissive preference in private employment for certain veterans.

Section 12: Creates s. 295.21, F.S., to create Florida Is For Veterans, Inc.

Section 13: Creates s. 295.22, F.S., to create the Veterans Employment and Training Services program.

Section 14: Creates s. 295.23, F.S., to create the Veterans Research and Marketing Campaign.

Section 15: Requires the Florida Tourism Industry Marketing Corporation to provide Florida Is For Veterans, Inc., \$300,000 in Fiscal Year 2014-2015 to conduct market research pursuant to s. 295.21(3)(a).

Section 16: Provides \$56,768 in recurring funds and \$4,258 in nonrecurring funds to the Department of Veterans' Affairs for 1 full-time equivalent position to assist Florida Is For Veterans, Inc., in performing state financial activities.

Section 17: Provides \$344,106 in recurring funds and \$14,391 in nonrecurring funds to Florida Is For Veterans, Inc., for startup costs, staffing, and general operations to administer and implement Florida Is for Veterans, Inc.

Section 18: Requires Florida Is For Veterans, Inc., to submit a plan to the Legislative Budget Commission by August 15, 2014, through the Department of Veterans' Affairs, pursuant to s. 216.177, which shall provide a strategy and framework for the general operation of Florida Is For Veterans, Inc., including specific performance measures, details of the existing expenditures and obligations of Florida Is For Veterans, Inc., and a budget and timeline for expected expenditures to be provided under programs administered by Florida Is For Veterans, Inc.

Section 19: Requires the Florida Tourism Industry Marketing Corporation and Florida Is For Veterans, Inc., to jointly submit a plan to the Legislative Budget Commission by August 15, 2014, through the Department of Economic Opportunity, pursuant to s. 216.177, which shall provide specific performance measures by which the research and marketing campaign established under s. 295.23 shall be evaluated.

Section 20: Requires Florida Is For Veterans, Inc., to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 2, 2016, identifying the existing gaps in veteran resources and recommending best practices that may be employed in assisting veterans and improvements to current or new resources and programs.

Section 21: Requires the Office of Program Policy Analysis and Government Accountability to perform a performance audit by February 1, 2018, of the programs created pursuant to ss. 295.21 and 295.22, by this act.

Section 22: Amends s. 296.06, F.S., to revise the eligibility requirements for residency in the Florida State Veterans' Domiciliary Home.

Section 23: Amends s. 296.36, F.S., to revise the eligibility requirements for residency in a state veterans' nursing home.

Section 24: Amends s. 322.031, F.S., to extend the current law driver license exemption to the servicemember's spouse, and dependents that reside with the servicemember.

Section 25: Amends s. 322.121, F.S., to extend the automatic license extension provision to a servicemember's spouse, and dependents that reside with the servicemember.

Section 26: Amends s. 455.213, F.S., to extend the application deadline for military veterans to have certain fees waived by the Department of Business and Professional Regulation and waiving such fees for the spouses of veterans.

Section 27: Amends s. 456.013, F.S., to extend the application deadline for military veterans to have certain fees waived by the Department of Health and waiving such fees for the spouses of veterans.

Section 28: Amends s. 456.024, F.S., to provide a licensing procedure for health care practitioners with experience serving in the U.S. Armed Forces, including its Reserve and National Guard components, or the U.S. Public Health Service, provided other eligibility requirements are met.

Section 29: Amends ss. 458.315, F.S., to remove the current language related to military and veteran physicians that is contained in s. 458.315 and places the language in the newly created s. 458.3151.

Section 30: Creates s. 458.3151, F.S., to streamline the application process for military and veteran physicians wishing to obtain a temporary certificate to practice in an area of critical need.

Section 31: Amends s. 459.0076, F.S., to remove the current language related to military and veteran osteopathic physicians that is contained in s. 459.0076 and places the language in the newly created s. 459.00761.

Section 32: Creates s. 459.00761, F.S., to streamline the application process for military and veteran osteopathic physicians wishing to obtain a temporary certificate to practice in an area of critical need.

Section 33: Amends s. 468.304, F.S., to extend the application deadline for military veterans to have certain fees waived by the Department of Health and waiving such fees for the spouses of veterans.

Section 34: Amends s. 499.012, F.S., to provide that specified military service meets certain DBPR licensure requirements.

Section 35: Amends s. 1002.33, F.S., to state the Legislature's intention to address the unique challenges faced by military children and to encourage military installation commanders and the Commissioner of Education to work together to increase military family student achievement, including the option of establishing charter schools on military installations.

Section 36: Amends s. 1009.26, F.S., to direct state universities, Florida College System institutions, and Florida career centers to waive certain fees for veterans.

Section 37: Provides \$12.5 million in nonrecurring funds to the Department of Military Affairs to continue renovations to state readiness centers.

Section 38: Provides \$7,489,975 in nonrecurring funds to the Department of Environmental Protection for land acquisition for the purpose of protecting military bases against encroachment.

Section 39: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

Section 2 appropriates \$1.53 million in recurring General Revenue to the DMA to fund the tuition and fees for eligible Guard members through the EDD program.

Section 3 appropriates \$250,000 in nonrecurring General Revenue to the DMA for information technology upgrades necessary to administer and audit the EDD program.

Sections 7 through 10 revise Florida's veterans' preference in employment statutes. Between 2007 and 2010, the DVA received an average of approximately 136 complaints per year from veterans alleging that a government employer violated the veterans' employment preference requirements. However, the average increased to 925 complaints per year between 2011 and 2013, primarily due to increased awareness of the complaint process. Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints; however, the frequency and cost of potential future complaints is indeterminate. According to the DVA, any additional complaints will be processed by the full-time employee currently assigned to the program. It should also be noted that s. 295.11, F.S., requires the DVA to conduct all investigations within existing amounts appropriated to the DVA.

If the number of complaints increases as a result of the proposed changes, the PERC may also experience an increase in the number of complaints it must investigate and adjudicate. The frequency and cost of potential future complaints is indeterminate.

Sections 22 and 23 revise the residency requirements for admission to the Florida State Veterans' Domiciliary Home and the state veterans' nursing homes. The DVA states that fulfilling the vacant beds in the SVDH and SVNHs would not increase the cost of operating such facilities.²³⁰

Sections 24 and 25 extend a current law driver license exemption and current law driver license extension for a military servicemember to include the servicemember's spouse, and dependents who reside with him or her. The DHSMV anticipates an insignificant reduction in General Revenue as a result of this bill. The Revenue Estimating Conference met on January 31, 2014, and projected a negative indeterminate cost impact as a result of Section 24 of this provision, and no cost impact as a result of Section 25 of this bill.

Section 26 revises the DBPR licensure fee waiver program for veterans. The fiscal impact is indeterminate. Since October 1, 2012 (the effective date of Ch. 2012-72, L.O.F.), the DBPR has received requests from military veterans for waivers of 113 initial applications and 21 initial licenses; of these applications and licenses, nine (9) applications and three (3) licenses were for professions requiring more than 24 months of education and/or experience to qualify for licensure. The total amount of fees waived was \$17,867.50 (\$13,810.50 initial applications, \$3,952.00 initial licenses and \$105.00 unlicensed activity fee).

The DBPR anticipates future requests for fee waivers to be consistent with past requests. Given the low number of waivers from past applicants and licensees for professions requiring greater than 24 months of qualification education and/or experience, the department is unable to accurately estimate the fiscal impact of extending the waiver period from 24 months to 60 months. However, the department does not anticipate a significant increase in waiver requests due to the provisions of this bill.

Sections 27 and 33 revise the DOH licensure fee waiver program for veterans. The fiscal impact is indeterminate. Since July 1, 2013, the date on which the licensure fee waiver program became effective, the DOH approved 292 waiver requests under s. 456.013, F.S., from military veterans in medical professions including, but not limited to, registered nurses, medical doctors, paramedics, and physical therapists. The total amount of fees waived was \$15,513 (\$8,110 initial applications, \$6,993 initial license, and \$410 unlicensed activity fee). In addition, the DOH approved two waiver requests from radiological personnel, totaling \$90.00 in waived fees.

Sections 29 through 31 amend the requirements for medical doctors and osteopathic physicians who are seeking a temporary certificate to any person who has a license in another jurisdiction; requires the boards to create a simplified application which does not request information from the applicant that is accessible through the Department's licensing database or information that was already required for licensure in another jurisdiction; creates a new section in Chapters 458 and 459, Florida Statutes which is specifically for physicians who are active duty military or veterans seeking employment in an area of critical need only making this option available to active duty military and veterans that served at least 10 years and who were honorably discharged and who have an active license in another jurisdiction. There is no application fee for physicians seeking this certificate. This certificate is limited to physicians who will not receive compensation for their service.

The DMQA may experience a decrease in revenue due to the waiver of fees for honorably discharged veterans and active military that apply for licensure. Section 456.013(13), F.S., currently waives the initial licensure fees for honorably discharged veterans who apply for licensure within 24 months after discharge, therefore the reduction in revenue would only apply for veterans who apply after 24 months from discharge and active military. In Fiscal Year 2012-2013 there were 61 applications received for temporary certificates. It is unknown how many of the 61 applications were active military or veterans; therefore, the impact cannot be determined, however it is anticipated that the impact will be minimal and can be absorbed within current agency resources. The department will also incur nonrecurring cost for rulemaking which can also be absorbed within current agency resources.

Section 36 waives the out-of-state fee and tuition charges for honorably discharged veterans attending a higher education institution within the FCS or the SUS of Florida or career centers in Florida. Consistent with a similar fee waiver provision for recipients of a Purple Heart or another combat decoration superior in precedence, the fee waiver authorized by the bill covers 110 percent of the credit hours needed to complete the degree or certificate program in which the veteran is enrolled. State universities and FCS institutions must report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under the Congressman C.W. Bill Young Veteran Tuition Waiver Act.

Student veterans who would qualify for the out-of-state fee and tuition waiver would be exempt from paying the out-of-state fee resulting in a significant savings to the student veteran each semester. However, Florida colleges and universities will experience a significant loss in tuition and fee revenue. Using 2012-2013 enrollment information based on each veteran student taking 30 credit hours, the total estimated annual unrealized tuition revenue as a result of the bill for the FCS is \$3,328,872 which is approximately 0.38 percent of the total tuition and fees collected by Florida colleges. Using the same methodology to determine the impact, the estimated annual unrealized tuition revenue as a result of the bill for the SUS is \$8,196,185 which is approximately 0.46 percent of the total tuition and fees collected by state universities. The Division of Career and Adult Education at the Department of Education estimates that 25 non-resident veteran students were enrolled in career centers for academic year 2012-2013.66; this could result in unrealized tuition revenue in the amount of \$181,675 for one year.

Using enrollment figures for academic year 2012-2013, it can be estimated that Florida colleges would forego the following in tuition revenues:

Average 2013-2014 undergraduate tuition and fees for two semesters (30 hours):

\$11,455	Non-resident undergraduate tuition and fees
- \$ 3,091	Resident undergraduate tuition and fees
\$ 8,364	Incremental charge for non-residents
<u> x 398</u>	Non-resident undergraduate and unclassified veteran students
= \$3,328,872	Tuition revenues not collected as a result of the bill

Using enrollment figures for academic year 2012-2013, it can be estimated that the state universities would forego the following in tuition revenues:

Average 2013-2014 undergraduate tuition and fees for two semesters (30 hours):

\$21,434	Non-resident undergraduate tuition and fees
- \$ 6,155	Resident undergraduate tuition and fees
\$15,279	Incremental charge for non-residents
<u>x 331</u>	Non-resident undergraduate and unclassified veteran students
= \$5,057,349	Undergraduate tuition revenues not collected as a result of the bill

Average 2013-2014 graduate-level tuition and fees for two semesters (24 hours):

\$25,138	Non-resident graduate tuition and fees
- \$10,262	Resident graduate tuition and fees
\$14,876	Incremental charge for non-residents
<u>x 211</u>	Non-resident graduate-level veteran students
= \$3,138,836	Graduate tuition revenues not collected as a result of the bill

Using enrollment figures for academic year 2013-2014, it can be estimated that Florida career centers would forego the following in tuition revenues:

Average 2013-2014 tuition and fees for 900 instructional hours in a certificate program:

\$ 9,710	Non-resident undergraduate tuition and fees
- \$ 2,443	Resident undergraduate tuition and fees
\$ 7,267	Incremental charge for non-residents
<u>x 25</u>	Non-resident undergraduate and unclassified veteran students
= \$181,675	Tuition revenues not collected as a result of the bill

Section 37 appropriates \$12.5 million in nonrecurring General Revenue to the Department of Military Affairs for armory maintenance and renovation through the Florida Armory Revitalization Program.

Sections 38 appropriates \$7,489,975 in nonrecurring General Revenue to the Department of Environmental Protection to acquire land near MacDill Air Force Base, Naval Support Activity Panama City, and Naval Station Mayport for the purpose of protecting the military installations against encroachment.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

RULE-MAKING AUTHORITY:

Section 1 requires the Adjutant General to adopt rules that include, but are not limited to, providing a framework for approving online courses. The bill also requires the Adjutant General to adopt rules that include procedures to facilitate the award of academic credit for college-level training and education acquired in the military.

B. DRAFTING ISSUES OR OTHER COMMENTS:

Sections 22 and 23 revise the residency requirements for admission to the Florida State Veterans' Domiciliary Home and the state veterans' nursing homes. The USDVA pays a per-diem for the residents and pays for all the care for those veterans with a service-connected disability rating from 70 percent to 100 percent. If the DVA could admit these new residents into our veteran's nursing homes, the DVA predicts a savings to the state due to their eligibility to have the USDVA pay for their care.²³¹

Sections 24 and 25 extend a current law driver license exemption and current law driver license extension for a military servicemember to include the servicemember's spouse, and dependents who reside with him or her. As currently written, the bill is unclear whether the spouse and dependents must reside with the servicemember, or whether only the dependents must reside with the servicemember.

In order to provide identification for voter registration, the voter registration applicant must provide either a valid Florida driver's license number or a valid Florida identification card number. However, if the applicant was not issued a Florida driver license or identification card, the applicant must provide the last four digits of his or her social security number. Thus, the spouse or dependent of a military servicemember who does not have a Florida driver license may still register to vote in Florida.

Section 26 revises the DBPR licensure fee waiver program for veterans. There have been approximately 120 fee waivers in the Division of Professions since HB 887 was implemented in July 2012. There will be no impact to the Customer Contact Center of the Division of Service Operations. The Bureau of Central Intake and Licensure will require an update on form DBPR MVL 002 to change the two references from 24 months to 60 months. No additional resources will be needed.

IV. AMENDMENTS / COMMITTEE SUBSTITUTE CHANGES

On Monday, January 13, 2014, the Veteran & Military Affairs Subcommittee adopted several amendments to PCB VMAS 14-01. These amendments revised PCB VMAS 14-01 in the following ways:

- extended a current law driver license exemption and current law driver license extension to the spouse and dependent child of a military servicemember who reside with him or her;
- revised the DOH application requirements for a temporary certificate for practice in areas of critical need;
- clarified the Educational Dollars for Duty grade verification procedure applies to each student participating in the EDD program;
- required the Adjutant General to adopt procedures to facilitate the award of academic credit for college-level training and education acquired in the military; and
- clarified that the waiver of out-of-state tuition and fees applies to veterans of the U.S. Reserve Forces in addition to veterans of the U.S. Armed Forces and veterans of the National Guard.

On Tuesday, February 4, 2014, the Appropriations Committee adopted three amendments to House Bill 7015. These amendments revised House Bill 7015 in the following ways:

- revised the recurring General Revenue appropriation for the Educational Dollars for Duty program from \$14.5 million to \$5 million; revised the nonrecurring General Revenue appropriation for IT expenses to administer the EDD program from \$1 million to \$250,000;
- appropriated \$12.5 million in nonrecurring General Revenue funds to continue renovations to state readiness centers (armories); and
- appropriated \$8.8 million in nonrecurring General Revenue funds to the Department of Economic Opportunity's Military Base Protection Program to acquire land for protection against encroachment near MacDill Air Force Base, Naval Support Activity Panama City, and Naval Station Mayport.

On Thursday, February 20, 2014, the Economic Affairs Committee adopted one strike-all amendment to Committee Substitute to House Bill 7015. The amendment revised Committee Substitute to House Bill 7015 in the following ways:

²³¹ See DVA White Paper and OPPAGA Justification Review, Report No. 01-63, December 2001.

- created Florida Is For Veterans, Inc., a nonprofit corporation within the Department of Veterans' Affairs, to administer an employment training and support program (VETS program) and the Veterans Research and Marketing Campaign to promote Florida to retired and recently separated military servicemembers;
- created a voluntary veterans' preference in private employment statute to allow private sector employers the option to offer preference in employment to an honorably discharged veteran and a spouse of a veteran with a service-connected disability;
- extended the application deadline for military veterans to have certain fees waived by the Department of Health and expanded the program to waive such fees for the spouses of veterans;
- expanded the Department of Health licensure provisions to provide a licensing procedure for health care practitioners with experience serving in the U.S. Armed Forces, including its Reserve and National Guard components, or the U.S. Public Health Service, provided other eligibility requirements are met
- stated the Legislature's intention to address the unique challenges faced by military children and to encourage military installation commanders and the Commissioner of Education to work together to increase military family student achievement, including the option of establishing charter schools on military installations; and
- revised the nonrecurring General Revenue appropriation for the military base land encroachment concern at Naval Station Mayport from \$1.5 million to \$189,975, and clarified such appropriation will be made to the Department of Environmental Protection.

This bill analysis is written to CS/CS/HB 7015 as amended.