

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1296

INTRODUCER: Senator Bean

SUBJECT: Military and Veterans Affairs

DATE: March 9, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	Pre-meeting
2.			EE	
3.			AP	

I. Summary:

SB 1296 addresses absentee voting for military personnel, support for student veterans at public colleges and universities, and outreach to veterans. Specifically, the bill:

- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots;
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues; and
- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written information on federal, state, and local veterans benefit services.

II. Present Situation:

Military Absentee Voters

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office. Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures. An overseas voter can register to vote and request an absentee ballot at the same time by using the Federal Post Card Application (FPCA). The FPCA can be submitted by mail, e-mail, or fax if the overseas voter is already registered. If the overseas voter is not registered, the FPCA must be submitted by mail. An overseas voter may also obtain an absentee ballot by submitting a request to the supervisor of elections by telephone, mail, fax or e-mail. Absentee ballots are mailed to military and overseas voters no later than 45 days before each election. A voter can also request that the absentee ballot be faxed or e-mailed.

Additionally, the Federal Write-In Absentee Ballot (FWAB) is the emergency back-up absentee ballot that allows UOCAVA voters who have not yet received their absentee ballot to vote in any election for federal office and any state or local election involving two or more candidates.¹ UOCAVA voters must submit their voted absentee ballot or the FWAB by mail or fax to their local election office no later than 7:00 p.m. on election day for primary elections and no later than 10 days after election day for presidential preference primaries and general elections.

College Credit for Military Training and Education

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.² Accordingly, Board of Governors Regulation 6.013 and Rule 6A-14.0302 of the Florida Administrative Code, require all Florida universities and colleges, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such military training and education must be recognized by the American Council on Education (ACE).

Priority Course Registration for Veterans

Section 1004.075, F.S., requires each Florida College System institution and state university to provide priority course registration for veterans receiving GI Bill benefits if the institution offers priority course registration for any segment of the student population.³ Additionally, a spouse or dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.

Voluntary Contributions

The voluntary contribution process, also known as voluntary check-offs, provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new or replacement driver license or identification card.⁴

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and

¹ Section 101.6925, F.S.

² Chapter 2012-169, Laws of Fla.

³ Chapter 2012-159, Laws of Fla.

⁴ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 19 options for voluntary contributions.

s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee⁵, not to exceed \$10,000, to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution check off, if authorized; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution, and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.

There are three veteran or military-related voluntary contributions authorized for driver license and identification card applications. An applicant may elect to contribute \$1 to the State Homes for Veterans Trust Fund, the Disabled American Veterans, and Support Our Troops, Inc.⁶

The Florida Vets Connect Program

In 2010, the Department of Highway Safety and Motor Vehicles (DHSMV) and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect Program to stimulate outreach efforts to veterans in Florida.⁷ Through the Florida Vets Connect Program, veterans have the opportunity to voluntarily identify their veteran status when applying for or renewing a Florida driver license or state of Florida identification card. Beginning in 2010, present on each driver license and identification card application is the option for an individual to indicate status as a veteran and interest in receiving information on benefits, services, and support available to veterans.⁸ The DHSMV and the FDVA entered into a Memorandum of Understanding to facilitate the sharing of a veteran's contact information from the DHSMV to the FDVA. The FDVA, through a third party provider, distributes general state of Florida veterans' benefits information via e-mail⁹ to those individuals who request such information on the driver license or identification card application.¹⁰ The FDVA distributed 50,350 e-mails during the 2014 calendar year under the Vets Connect Program.¹¹ E-mails are distributed on a monthly basis.¹²

County and City Veteran Service Officers

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing

⁵ State funds may not be used to pay the application fee.

⁶ See Section 322.08(7)(n), (o), and (r), F.S.

⁷ See Florida Department of Financial Services Press Release. *CFO Sink Announces "Florida Vets Connect" to Recognize Brave Service of Florida Veterans*. March 3, 2010. Available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3449>.

⁸ Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Steve Murray, Communications Director, Florida Department of Veterans' Affairs. March 6, 2015.

⁹ According to the FDVA, it is too cost prohibitive to distribute printouts of the veterans' benefits information via the United States mail.

¹⁰ *Supra* note 9.

¹¹ E-mail correspondence from FDVA staff on March 5, 2015. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

¹² *Id.*

benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.¹³ Each county currently employs a veteran service officer, however, in some cases, one veteran service officer may service two counties.¹⁴ There are currently no certified city veteran service officers in Florida.¹⁵

Direct-Support Organizations

Florida law provides for the establishment of direct-support organizations as a means to assist state agencies in accomplishing their missions. A direct-support organization is established as a Florida corporation not for profit incorporated under ch. 617, F.S., and approved by the Department of State.¹⁶

The 2008 Legislature authorized the establishment of the Florida Veterans Foundation, a direct-support organization created to provide assistance, funding, and support for the FDVA in carrying out its mission of veterans' advocacy.¹⁷ The Florida Veterans Foundation mission is to serve, support, and advocate for Florida veterans to improve their wellbeing.

III. Effect of Proposed Changes:

Section 1 establishes the Military and Overseas Voting Assistance Task Force (Task Force) within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots.

The Task Force consists of the following 20 members:

- The Secretary of State or his or her designee, who shall serve as the chair of the Task Force;
- The Adjutant General or his or her designee;
- The executive director of the Florida Department of Veterans' Affairs, or his or her designee;
- The executive director of the Agency for State Technology or his or her designee;
- One member of the Senate appointed by the President of the Senate;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives;
- One member of the Senate appointed by the Minority Leader of the Senate;
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Governor;
- Six supervisors of elections appointed by the Secretary of State;

¹³ Section 292.11(4), F.S.

¹⁴ Listing of Florida County Veteran Service Officers: http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf

¹⁵ E-mail correspondence with FDVA staff on March 6. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

¹⁶ Direct-support organizations perform a variety of services to state agencies including: Raising money; Submitting requests for and receiving government grants; Receiving, holding, investing, and administering property; Assisting an agency in performing its mission; and Making expenditures for the benefit of the supported agency.

¹⁷ See s. 292.055, F.S.

- Five individuals appointed by the Secretary of State; and
- Five individuals appointed by the Secretary of State with relevant expertise in computers, the Internet, or other associated technologies.

Members of the Task Force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill directs the Task Force to study and report on the following issues:

- Any factor that limits the ability of absent uniformed services voters to request, receive, and return absentee ballots within the current statutory time period for casting absentee ballots;
- The costs associated with the development and implementation of an online voting system;
- The feasibility of absent uniformed services voters using an online voting system to electronically submit a voted ballot;
- The security of electronically submitting a voted ballot through an online voting system; and
- Procedures adopted by other states to facilitate greater electoral participation among absent uniformed services voters.

The Secretary of State must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, containing the Task Force's recommendation on whether the state should pursue the development and implementation of an online voting system for absent military voters. If the Task Force recommends an online voting system, the report must include recommended steps for developing and implementing such a system.

The Task Force will expire upon the submission of the Secretary of State's required report by July 1, 2016.

Additionally, the bill requires the Division of Elections of the Department of State to provide support staff for the Task Force and requires the Agency for State Technology to assist the Task Force upon request.

Section 2 provides legislative intent regarding the provision of college credit for military training and coursework and other services to student veterans. The bill provides that it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to do the following:

- Establish degree programs that award academic credit for military training and experience, including, but not limited to vocational and technical degrees;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Coordinate existing disability services on each campus with veteran disability services provided by the U.S. Department of Veterans Affairs, and other federal, state, and private entities;
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and

- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

Because legislative intent does not expressly mandate an action, section 2 of the bill essentially expresses the Legislature's desire that the State Board of Education and the Board of Governors work collaboratively to assist student veterans in the ways outlined above.

Section 3 amends s. 322.08, F.S., to provide a voluntary check-off on the application form for an original, renewal, or replacement driver license or identification card to allow honorably discharged military servicemembers to request written information at on federal, state, and local veteran services programs. The written information will be provided at no cost to the veteran by a county or city veteran service officer through a direct-support organization. If a veteran is not under the jurisdiction of a county or city veteran service officer, the information will be provided by the Florida Department of Veterans' Affairs (FDVA). Such written information on veteran services programs must be sent by United States mail.

The Department of Highway Safety and Motor Vehicles (DHSMV) and the FDVA will collaborate to administer the voluntary check-off. The DHSMV will report quarterly to the FDVA the identifying information of veterans who requested information via the voluntary check-off and provided a DD Form 214 or other acceptable form. Information provided from the DHSMV to the FDVA includes a veteran's legal name, sex, date of birth, social security number, and address.

Additionally, the bill requires the FDVA to provide assistance to veterans who select the voluntary check-off with preparing claims for and securing compensation, hospitalization, career training, and other benefits available to veterans. The bill allows the FDVA to apply for and administer any federal veteran services programs and any state and local programs that may be beneficial to the particular interests of veterans.

Section 4 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of State would be responsible for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force (Task Force) members. Additionally, the Division of Elections within the Department of State will provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this may require additional full-time employees.¹⁸

There is no estimate available at this time for the cost to implement the voluntary check-off program. Program expenses may include postage fees, packaging materials, technical and staff support. The bill does not identify a funding source to pay for the implementation of the program and does not specify which entity referenced in the bill is responsible for the costs associated with the program.

VI. Technical Deficiencies:

The bill provides that a "direct-support organization," on behalf of a county or city veteran service officer, will distribute written information on veteran services program to veterans who request such information via the voluntary check-off established in the bill. The bill does not specify which statutorily created direct-support organization will perform this function.

The duties and authorities prescribed to the FDVA on lines 157-172 of the bill appear to be unnecessary because they are consistent with existing FDVA duties and authorities prescribed in s. 292.05, F.S.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.08 of the Florida Statutes.
This bill creates undesignated sections of the Florida Law.

¹⁸ Department of State. SB 1296 Agency Bill Analysis. March 6, 2015.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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