

Tab 1	SB 430 by Wright ; (Compare to CS/H 00153) Interstate Compact on Educational Opportunity for Military Children					
137460	A	S	RCS	MS, Wright	btw L.9 - 10:	01/12 11:36 AM
Tab 2	SB 438 by Burgess ; (Compare to H 00465) United States Space Force					
870798	D	S	RCS	MS, Burgess	Delete everything after	01/12 01:24 PM
Tab 3	SB 554 by Cruz ; (Identical to H 00045) Educational Opportunities for Disabled Veterans					
750836	A	S	RCS	MS, Cruz	Delete L.33 - 43:	01/12 11:36 AM
Tab 4	SB 562 by Cruz ; (Identical to H 00559) Military Occupational Licensure					
Tab 5	SM 826 by Wright (CO-INTRODUCERS) Harrell ; (Identical to H 00505) Florida National Guard					
Tab 6	SB 896 by Burgess ; (Identical to H 00573) Educator Certification Pathways for Veterans					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**MILITARY AND VETERANS AFFAIRS, SPACE, AND
DOMESTIC SECURITY**

**Senator Wright, Chair
Senator Harrell, Vice Chair**

MEETING DATE: Tuesday, January 11, 2022

TIME: 4:00—6:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Wright, Chair; Senator Harrell, Vice Chair; Senators Burgess, Cruz, Gibson, Rodriguez, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 430 Wright (Compare CS/H 153, H 465)	Interstate Compact on Educational Opportunity for Military Children; Extending the scheduled repeal of the compact and related provisions, etc. MS 01/11/2022 Fav/CS AP	Fav/CS Yeas 6 Nays 0
2	SB 438 Burgess (Compare H 465, H 1371, S 1716)	United States Space Force; Revising the definition of the term "uniformed services" to include the United States Space Force; revising the military service branches for which any county or state official who is called to active service may receive a leave of absence; updating military base names; adding post exchanges operated by the United States Space Force to the those that are exempt from paying tax on cigarettes sold; revising the armed forces uniforms that are protected from imitation to include uniforms of the United States Space Force, etc. MS 01/11/2022 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
3	SB 554 Cruz (Identical H 45)	Educational Opportunities for Disabled Veterans; Defining the term "disabled veteran"; providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive a waiver for the remaining cost of tuition and fees at certain institutions; requiring certain institutions to submit an annual report to the Board of Governors and the State Board of Education; requiring the boards to respectively adopt regulations and rules, etc. MS 01/11/2022 Fav/CS AED AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
 Tuesday, January 11, 2022, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 562 Cruz (Identical H 559)	Military Occupational Licensure; Requiring the Department of Business and Professional Regulation or the applicable board or program to expedite professional license applications submitted by spouses of active duty members of the Armed Forces of the United States; requiring the department to issue temporary professional licenses under certain circumstances; requiring the Department of Health or the applicable board to issue a professional license to spouses of active duty members of the Armed Forces of the United States if certain requirements are met, etc. MS 01/11/2022 Favorable RI AP	Favorable Yeas 7 Nays 0
5	SM 826 Wright (Identical HM 505)	Florida National Guard; Urging Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure, etc. MS 01/11/2022 Favorable RC	Favorable Yeas 6 Nays 0
6	SB 896 Burgess (Identical H 573)	Educator Certification Pathways for Veterans; Expanding eligibility to seek educator certification to specified military servicemembers who have completed a specified education requirement; authorizing the Department of Education to issue a temporary certificate to specified military servicemembers who have completed a specified education requirement; specifying the duration of a temporary certificate for specified military servicemembers, etc. MS 01/11/2022 Favorable ED RC	Favorable Yeas 7 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Executive Director of Department of Veterans' Affairs			
7	Hartsell, James S. (Land O'Lakes)	Pleasure of Governor	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Military and Veterans Affairs, Space, and Domestic Security
Tuesday, January 11, 2022, 4:00—6:00 p.m.

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: CS/SB 430

INTRODUCER: Committee on Military and Veterans Affairs, Space, and Domestic Security, and Senator Wright

SUBJECT: Interstate Compact on Educational Opportunity for Military Children

DATE: January 11, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 430 reenacts provisions of law establishing and implementing the Interstate Compact on Educational Opportunity for Military Children (Compact) and provides for future legislative review and repeal of the Compact on July 1, 2025. The state is a member of the Compact, and therefore has an established State Council. Participation in the Compact enables member states to address educational transition issues faced by military families as they transfer from a state or school district pursuant to official military orders.

The bill also provides for the President of the Senate and the Speaker of the House of Representatives each to select a member of the State Council, increasing the membership from seven to eight members.

The bill takes effect upon becoming law.

II. Present Situation:

Interstate Compact on Educational Opportunity for Military Children

Children in active-duty military families face unique educational challenges. A military child changes schools on average three times more often than a non-military child.¹ When a parent is reassigned, a military child may be impacted by:

- Record transfer issues;
- Varied course sequencing and academic placement policies;
- Varied graduation requirements;
- Exclusion from extracurricular activities;
- Redundant or missed entrance or exit testing;
- Varied kindergarten and first grade entrance ages; and
- Having a temporary guardian appointed while the child's parent is deployed.²

The Interstate Compact on Educational Opportunity for Military Children (Compact) assists member states in uniformly addressing educational transition issues faced by active-duty military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, participation in academic programs and extracurricular activities, and graduation. The Compact was developed by the Council of State Governments, in cooperation with the U.S. Department of Defense.

States join the Compact by enacting it into law, which Florida did in 2008.³ Ten states must enact the Compact before it can take effect and be binding on member states. This occurred on July 9, 2008, when Delaware became the tenth state to adopt the Compact. Currently, all 50 states and the District of Columbia are members of the Compact.⁴

Students eligible for assistance under the Compact must receive public funding through the local education agency and be the children of:

- Active duty members of the uniformed services⁵, including members of the National Guard and Reserve on active-duty orders;
- Members or veterans of the uniformed services who are severely injured and medically discharged or retired, for a period of one year following separation; and
- Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty, for a period of one year after death.⁶

¹ U.S. Dep't of Defense Education Activity (DoDEA). *All About DoDEA Educational Partnerships*, available at <https://www.dodea.edu/Partnership/about.cfm> (last visited Nov. 19, 2021).

² Military Interstate Children's Compact Commission, *Guide for Parents, School Officials and Public Administrators*, p. 2, available at http://www.mic3.net/assets/2018_parents_guide.pdf (last visited Nov. 22, 2021).

³ Ch. 2008-225, Laws of Fla.

⁴ Military Interstate Children's Compact Commission, *Interactive Map*, available at <http://www.mic3.net/interactive-map.html> (last visited Nov. 22, 2021).

⁵ "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services. See Article II, s. R of the Compact, s. 1000.36, F.S.

⁶ Article III, s. A of the Compact, s. 1000.36, F.S.

Florida State Council

The Compact requires member states to establish a State Council to coordinate implementation of the Compact.⁷ While each state may determine the membership of its own State Council, membership must include, at a minimum, the following:

- State superintendent of education;
- Superintendent of a school district with a high concentration of military children;
- One representative from a military installation;
- One representative from the legislative branch of government; and
- One representative from the executive branch of government.⁸

Additionally, the state must appoint or designate a military family education liaison and a compact commissioner. Each of these appointees, unless already a full voting member of the council, shall serve as an ex officio member of the state council.⁹ Florida's State Council, consisting of seven members, conducts meetings quarterly, and typically via teleconference.¹⁰

Military Interstate Children's Compact Commission

The Compact establishes the Military Interstate Children's Compact Commission (Commission) to provide national-level oversight of the Compact. The Commission may adopt and enforce rules and bylaws and perform various administrative functions necessary for day-to-day operations.¹¹ The Commission is comprised of one voting representative, or Compact Commissioner, from each member state.¹² Each state is entitled to one vote on Compact rule adoption or other business matters.¹³ The Commission must meet at least once each calendar year.¹⁴

The Commission is authorized to promulgate Compact rules which govern member states in the areas addressed by the Compact.¹⁵ Compact rules have the force and effect of statutory law in member states and supersede conflicting member state laws to the extent of the conflict.¹⁶ Compact rules must not exceed the scope of authority granted by the Compact. A majority of member state legislatures may invalidate a Compact rule by legislative action.¹⁷

⁷ Article VIII of the Compact, s. 1000.36, F.S.

⁸ Article VIII, s. A of the Compact, s. 1000.36, F.S.

⁹ Article VIII, s. B. and C., of the Compact and s. 1000.39(2)(e), F.S.

¹⁰ Military Interstate Children's Compact Commission, *Florida State Council Profile*, available at <https://mic3.net/state/florida/> (last visited Nov. 23, 2021).

¹¹ Articles IX and X of the Compact, s. 1000.36, F.S.

¹² Article IX, s. B. of the Compact, s. 1000.36, F.S. The voting representative from each state is the compact commissioner.

¹³ Article IX, s. B (1.) of the Compact, s. 1000.36, F.S.

¹⁴ Article IX, s. D of the Compact, s. 1000.36, F.S.

¹⁵ See Interstate Compact on Educational Opportunity for Military Children, Compact Rules, Adopted 2009, amended October 17, 2018, available at <http://www.mic3.net/assets/rules-2018-revised-9-nov--2018.pdf> (last visited Nov. 23, 2021).

¹⁶ Article X, s. B and Article XVIII, s. B of the Compact, s. 1000.36, F.S. The Compact also provides that if any part of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state. See Article XVIII, s. E of the Compact, s. 1000.36, F.S.

¹⁷ Article XII, s. D. of the Compact, s. 1000.36, F.S.

Review of Compact Rule Adoption

Since its enactment in 2008, Florida's Compact legislation has included a repeal provision which requires automatic repeal of the Compact after a period of time, unless reauthorized by the Legislature. The repeal provision addresses concerns regarding unconstitutional delegation of legislative authority under Article II, s. 3 of the State Constitution. Because membership in the Compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the intervening period.

The Legislature last reauthorized the Compact during the 2019 Regular Session,¹⁸ and provided for repeal of the Compact on July 1, 2022, unless reviewed and saved from repeal by the Legislature by that date.

III. Effect of Proposed Changes:

The bill amends s. 1000.40, F.S., to reauthorize Florida's Compact legislation and provide for the repeal of the Compact statutes, ss. 1000.36, 1000.361, 1000.38, and 1000.39, F.S., on July 1, 2025, unless reviewed and reenacted by the Legislature by that date.

Current law provides for a member of the State Council to be jointly selected by the legislature. This bill provides for a member each to be selected by the President of the Senate and the Speaker of the House of Representatives, increasing from seven to eight the membership of the Council.

The bill takes effect upon becoming law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁸ Chapter 2019-7, Laws of Fla.

E. Other Constitutional Issues:

To address concerns regarding the delegation of legislative authority, the bill provides for automatic repeal of Florida's Compact legislation after a period of time, unless reauthorized by the Legislature.¹⁹ Because membership in the Compact requires the state to agree to be bound by rules promulgated by a non-legislative entity, i.e., the Interstate Commission, the repeal provision allows the Legislature to periodically review Compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. Reauthorization of the Compact after these reviews diminishes a claim that the Legislature has delegated its authority.²⁰

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The annual fee that member states pay as dues to the Interstate Commission is at the rate of \$1.15 per dependent child of a military family eligible for transfer under the Interstate Compact. The total number of children of active duty personnel in the state for FY 2019-2020 was 39,293, with dues owed of \$45,187, paid for through the 2019-2020 General Appropriations Act. The number of eligible children decreased to 38,761 in 2020-2021, while the amount appropriated for 2020-2021 and 2021-2022 stayed at \$45,187. If the annual appropriation remains fairly constant for FY 2022-2023 through FY 2024-2025, the total appropriation is estimated to be \$135,561.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1000.40 of the Florida Statutes.

¹⁹ See s. 5, ch. 2008-225, s. 3, ch. 2010-52, s. 2, ch. 2013-20, s. 2, s. 2, ch. 2016-34, and s. 1, ch. 2019-7, Laws of Fla.

²⁰ See Florida Senate, *Legislative Bill Analysis for SB 212* (2019).

²¹ Florida Dep't of Education, *2020 Agency Legislative Bill Analysis, HB 153* (Oct. 20, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on January 11, 2022:

This amendment provides for a selection of a member of the State Council by each, the President of the Senate and the Speaker of the House of Representatives, rather than the current joint selection, increasing the Council from seven to eight members.

- B. **Amendments:**

None.



137460

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
	.	
	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Wright) recommended the following:

Senate Amendment (with title amendment)

Between lines 9 and 10
insert:

Section 1. Subsection (3) of section 1000.39, Florida Statutes, is amended to read:

1000.39 State council; Interstate Compact on Educational Opportunity for Military Children.—

(3) The council shall consist of the following eight ~~seven~~ members:



137460

(a) The Commissioner of Education or his or her designee.

(b) The superintendent, or his or her designee, for the school district with the highest percentage per capita of military children during the previous school year.

(c) Two members appointed by the Commissioner of Education, one of whom shall represent a military installation located within this state and one of whom shall represent the executive branch and possess experience in assisting military families in obtaining educational services for their children. The term of each member appointed under this paragraph shall be for 4 years, except that, in order to provide for staggered terms, the Commissioner of Education shall initially appoint one member to a term of 2 years and one member to a term of 3 years.

(d) One member appointed by, and who shall serve at the pleasure of, the President of the Senate and one member appointed by, and who shall serve at the pleasure of, the Speaker of the House of Representatives.

(e) The Compact Commissioner and the Military Family Education Liaison designated by the Governor under s. 1000.38, who shall serve as nonvoting, ex officio members of the council.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Between lines 3 and 4
insert:

amending s. 1000.39, F.S.; requiring the President of the Senate and the Speaker of the House of Representatives to each appoint one member to the State Council on Interstate Educational Opportunity



137460

40 for Military Children, rather than appoint one member
41 jointly;

By Senator Wright

14-00580-22

2022430__

1 A bill to be entitled
2 An act relating to the Interstate Compact on
3 Educational Opportunity for Military Children;
4 amending s. 1000.40, F.S.; extending the scheduled
5 repeal of the compact and related provisions;
6 providing an effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Section 1000.40, Florida Statutes, is amended to
11 read:
12 1000.40 Future repeal of the Interstate Compact on
13 Educational Opportunity for Military Children.—Sections 1000.36,
14 1000.361, 1000.38, and 1000.39 and this section shall stand
15 repealed on July 1, 2025 ~~2022~~, unless reviewed and saved from
16 repeal through reenactment by the Legislature.
17 Section 2. This act shall take effect upon becoming a law.



2022 AGENCY LEGISLATIVE BILL ANALYSIS

Florida Department of Education

BILL INFORMATION

BILL NUMBER:	House Bill 153
BILL TITLE:	Interstate Compact on Educational Opportunity for Military Children
BILL SPONSOR:	Representative Altman
EFFECTIVE DATE:	Upon becoming law

COMMITTEES OF REFERENCE

1) Early Learning & Elementary Education Subcommittee
2) Local Administration & Veterans Affairs Subcommittee
3) Education & Employment Committee
4)
5)

CURRENT COMMITTEE

Early Learning & Elementary Education Subcommittee

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	SB 212
SPONSOR:	Senator Wright
YEAR:	2019
LAST ACTION:	Approved by Governor

IDENTICAL BILLS

BILL NUMBER:	SB 430
SPONSOR:	Senator Wright

Is this bill part of an agency package?

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	10/20/2021
LEAD AGENCY ANALYST:	Melissa Ramsey, Vice Chancellor Strategic Improvement
ADDITIONAL ANALYST(S):	Andrew Weatherill, Chief, Bureau of Student Support Services (BoSSS) Felicia Trumpler, School Counseling Consultant, BoSSS
LEGAL ANALYST:	Amanda Gay, Assistant General Counsel
FISCAL ANALYST:	Suzanne Pridgeon, Deputy Commissioner, Finance and Operations

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Section 1. amends s. 1000.40, F.S., to:

- Change the repeal date of the Interstate Compact on Educational Opportunity for Military Children to July 1, 2025.

Section 2.

- Provides an effective date upon becoming law.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 1.

- Section 1000.40, F.S., Interstate Compact on Educational Opportunity for Military Children, will be repealed on July 1, 2022, unless reenacted by the Legislature.
- Section 1000.361, F.S., requires the Florida Department of Education to pay annual dues for the Interstate Compact on Educational Opportunity for Military Children with existing resources.

2. EFFECT OF THE BILL:

Section 1.

- The proposed change would extend the repeal of s. 1000.40, F.S., Interstate Compact on Educational Opportunity for Military Children, to July 1, 2025.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. FISCAL IMPACT TO LOCAL GOVERNMENT

Y ☐ N ☒

Revenues:	None.
Expenditures:	None.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. FISCAL IMPACT TO STATE GOVERNMENT

Y ☒ N ☐

Revenues:	
Expenditures:	The annual fee that member states must pay to the Interstate Commission is at the rate of \$1.15 per child based upon the number of military children eligible for transfer under the Interstate Compact on Educational Opportunity for Military Children. The annual calculation uses data prepared by the Defense Manpower Data Center in the Active Duty Family File of their Active Duty Master Personnel File. The dues are calculated using the number of children, ages 5-18, of active service members, multiplied by the rate of \$1.15. The total number of children of active duty personnel in the State of Florida for fiscal year 2019-20 was 39,293, with dues owed of \$45,187. The 2019-20 General Appropriations Act (GAA) provided that exact amount to the Department of Education to pay the Interstate Commission. Though the number of children may fluctuate (only 38,761 in 2020-21; no available data for 2021-22 yet) the amount appropriated in the 2020-21 and 2021-22 GAAs have remained consistent at \$45,187. If the annual appropriation remains constant for fiscal years 2022-23 through 2024-25, the total appropriation would be \$135,561.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. FISCAL IMPACT TO THE PRIVATE SECTOR

Y ☐ N ☒

Revenues:	None.
Expenditures:	None.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	At this time, this bill does not appear to impact State Board of Education technology.
--	--

FEDERAL IMPACT**1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	None.
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ADDITIONAL COMMENTS**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments:	No additional comments.
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Amanda Gay
 Legal Analyst Signature

11/18/2021
 Date

APPROVALS

<u>Melissa Ramsey</u> Lead Program Policy Analyst	<u>10/21/2021</u> Date	<u>850-245-0509</u> Phone Number
<u>Jacob Oliva</u> Chancellor/Director/Direct Report	<u>10/21/2021</u> Date	
<u>Suzanne Pridgeon</u> Fiscal Analyst	<u>11/9/2021</u> Date	
<u>Alexis Calatayud</u> Governmental Relations	<u>11/29/2021</u> Date	

The Florida Senate

APPEARANCE RECORD

Meeting Date

1/11/20

Committee

Military Veterans

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

SB 430

Amendment Barcode (if applicable)

137460

Name

Shan Goff

Phone

850-544-6138

Address

215 S Monroe St

Email

shan@excelined.com

Street

Tell

City

FL

State

32201

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

January 11, 2022

The Florida Senate
APPEARANCE RECORD

430

Meeting Date

Military & Veteran Affairs

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dan Hendrickson, Tall. Vet.Legal Collaborative Phone 850/ 570-1967

Address 319 Park Ave Email danbhendrickson@comcast.net
Street

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/11/22

Meeting Date

430

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

military & Veterans Affairs
Space & Domestic Security
Committee
Name Jimmie T. Smith

Amendment Barcode (if applicable)

Phone

Address Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Concerned Veterans
For America (CV4)

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/11/22

Meeting Date

430

Bill Number or Topic

Military & Veterans Affairs, Space, and
Committee Domestic Security

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Phillip Suderman

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Americans for Prosperity

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

January 11, 2022
Meeting Date

SB 430
Bill Number or Topic

Military & Domestic Affairs
Committee Space & Domestic Security

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Damaris Allen Phone _____

Address 1747 Orlando Central Parkway Email legislation@floridapta.org
Street

Orlando, FL 32809
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☒ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:
FL PTA

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

S-001 (08/10/2021)

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: CS\SB 438

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess

SUBJECT: United States Space Force

DATE: January 11, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Caldwell	MS	Fav\CS
2.			ATD	
3.			AP	

I. Summary:

CS\SB 438 updates definitions and references in the Florida Statutes relating to the “armed forces,” “uniformed services,” and “peacetime service” to include the United States Space Force, the newest Armed Force of the United States. The bill renames two Air Force bases to Space Force bases. The bill also re-enacts those sections of Florida Statutes which reference the term “servicemember” to incorporate the amendment made to the definition of “armed forces.”

CS\SB 438 has no fiscal impact. The bill is effective July 1, 2022.

II. Present Situation:

The United States Armed Forces includes six components: Army, Marine Corps, Navy, Air Force, Space Force, and Coast Guard and the reserve components of the Army and Air National Guards. The United States Space Force was established as an independent branch of the uniformed services under the Fiscal Year 2020 National Defense Authorization Act, the first new Armed Force since the United States Air Force was authorized in 1957.¹ The effective date of the Act was December 20, 2019.²

This new branch is organized under the Department of the Air Force in a manner similar to how the Marines are organized under the Department of the Navy and given the mission to organize, train, and equip Guardians to conduct global space operations that enhance the way the country’s

¹ Secretary of Defense, *Memorandum for Chief Management Officer of the Department of Defense* (December 20, 2019), Establishment of the United States Space Force) available at <https://media.defense.gov/2019/Dec/20/2002228281/-1/-1/1/ESTABLISHMENT-OF-THE-UNITED-STATES-SPACE-FORCE.PDF?source=GovDelivery> (last visited: November 17, 2021).

² Public Law 116-92, div, A, title IX, s. 952(d), December 20, 2019, 133 Stat. 1562.

joint and coalition forces fight while offering decision makers military options to achieve national objectives.³

The Space Force is created under Title X of the United States Code, Armed Forces and includes the Regular Space Force, persons appointed or enlisted in or conscripted into, the Space Force, and all Space Force units and other Space Force organizations which support combat, training, administrative, and logistical elements.⁴ The functions of the Space Force are specifically identified in federal law to be organized, trained, and equipped to:

- Provide freedom of operation for the United States in, from, and to space;
- Conduct space operations; and
- Protect the interests of the United States in space.⁵

The Space Force also includes a Chief of Space Operations who serves at the Pleasure of the President, by and with advice of the Senate. The Chief of Space Operations, who reports to the Secretary of the Air Force, began serving as a member of the Joint Chief of Staff one year after the effective date of the enabling federal legislation.⁶

III. Effect of Proposed Changes:

Amends definition of “Uniformed Services” – Sections 1 and 3.

The definition of “uniformed services” in ss. 61.703, F.S., and 97.021, F.S., is amended to incorporate the newly created Space Force as the sixth Armed Force of the United States Armed Forces and to align with changes made under the Fiscal Year 2020 National Defense Authorization Act.

Amends statutory references which identify the individual armed forces to incorporate the Space Force within the recognized list of Armed Forces – Sections 2, 4, 6, 8, 9, 13, 14, 15, 17, 18, 19, 20, 21, 22, and 23.

Section 92.51, relating to oaths, affidavits, and acknowledgements; Section 115.01, F.S., relating to leaves of absence for military service; s. 163.3175, F.S., relating to military installations; s. 210.04, F.S., relating to taxes on items sold at post exchanges, ship service stores, slop chests, or base exchanges; s. 250.43, F.S., relating to the wearing of uniforms and insignia of rank; s. 250.52, F.S., relating to being unlawful to persuade citizens not to enlist; s. 461.002, F.S., relating to exceptions in the practice of podiatric medicine in the Armed Forces; s. 466.022, F.S., relating to the practice of dentistry in the Armed Forces; s. 496.415, F.S., relating to prohibited acts in connection with the planning, conduct, or execution of any solicitation of any charitable or sponsor sales promotion where an individual falsely states or represents self; s. 695.031, F.S., relating to affidavits and acknowledgements; s. 718.113, F.S., relating to the maintenance and display of flags, hurricane shutters, or religious decorations; s. 720.304, F.S., relating to the rights of owners to peaceably assemble, display the flag, and the prohibition of SLAPP suits; s. 790.25, F. S., relating to the lawful ownership of firearms and other weapons are amended to add a reference to Space Force as the sixth Armed Forces unit of the United States Armed Forces

³ United States Space Force, *About the United States Space Force*, <https://www.spaceforce.mil/About-Us/About-Space-Force/> (last visited November 17, 2021).

⁴ 10 U.S.C.s, 9081(b) (2019). The United States Space Force.

⁵ 10. U.S.C. s 9082(c) (2019). The United States Space Force Operations.

⁶ 10 U.S.C. s. 9082 (d), (e) (2019) Chief of Space Operations.

as created under federal law; s. 817.312, F.S., relating unlawful use of uniforms, medals, and insignia, s. 1000.36, F.S., relating to the Interstate Compact for Educational Opportunity for Military Children; and s. 1003.051, F.S., relating to Purple Star Campuses. This change to the Florida Statutes will complement the federal legislation.

Renames Certain Military Installations – Section 5 and 12.

Sections 163.3175 and 331.304, F.S., are amended to recognize the new names of Patrick Space Force Base, previously known as Patrick Air Force Base and Cape Canaveral Space Force Station, previously known as Cape Canaveral Air Force Station. These installations were redesignated as Space Launch Delta 45 on May 11, 2021.⁷

Amends definition of “Armed Forces” and “United States Armed Forces” – Sections 7, 10, and 16.

The definitions of “Armed Forces,” “United States Armed Forces,” and “member of the armed forces” are amended under ss. 250.01, F.S., 295.061, F.S., 295.061, and 540.08, F.S., respectively, to incorporate the newly established Space Force as one of the United States Armed Forces. Space Force is added to the state statutes as one of the six components of the United States Armed Forces to update state law with recent federal law changes.

Amends definition of “Peacetime service” – Section 11.

The definition of “Peacetime service” in s. 296.02, F.S., is amended to incorporate Space Force, the newly created Armed Force within the Department of the Air Force and to align federal and state law with those recent changes in federal law.

Incorporation of amendment and re-enactment relating to the term “servicemember” – Sections 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34..

The bill amends the definition of “Armed Forces” which is referenced in the definition of “servicemember” in s. 250.01(1)(19), F.S.⁸ To incorporate the change made to the definition of “Armed Forces” in the earlier sections of the bill, the following sections of statute where the term “servicemember” is referenced are re-enacted:

Statutes Re-Enacted to Incorporate Space Force Inclusion		
Bill Section	Statute Section	Short Title
24	373.324, F.S.	License Renewal
25	409.1664, F.S.	Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers
26	520.14, F.S.	Termination of retail installment contract for leasing a motor vehicle by a servicemember
27	627.7283., F.S.	Cancellation; return of unearned premium
28	689.27, F.S.	Termination by servicemember of agreement to purchase real property

⁷ Patrick Space Force Base, Patrick Space Force, *Space Launch Delta 45 History*, <https://www.patrick.spaceforce.mil/history/> (last visited November 17, 2021).

⁸ Section 250.01(1)(d), F.S. defines “Servicemember” to mean any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

29	790.015, F.S.	Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity
30	790.06, F.S.	License to carry concealed weapon or firearm
31	790.062, F.S.	Members and veterans of United States Armed Forces; exceptions from licensure procedures
32	790.065, F.S.	Sale and delivery of firearms
33	790.0655, F.S.	Purchase and delivery of firearms; mandatory waiting period; exceptions, penalties
34	948.21, F.S.	Condition of probation, community control; military service members and veterans

Section 35 – Effective Date

The effective date of the bill is July 1, 2022.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.703, 92.51, 97.021, 115.01, 163.3175, 210.04, 250.01, 250.43, 250.52, 295.061, 296.02, 331.304, 373.324, 409.1664, 461.002, 466.002, 496.415, 520.14, 540.08, 627.7283, 689.27, 695.031, 718.113, 720.304, 790.06, 790.062, 790.065, 790.0655, 790.015, 790.25, 817.312, 948.21, 1000.36, and 1003.051.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on January 11, 2022:

The CS incorporates nine additional similarly situated statutory provisions relating to the Space Force which had not been included in the original bill. Those nine sections are identified and described below:

Florida Statute Section	Short Description
s. 92.51, F.S.	Adds Space Force to list of other Armed Forces.
s. 250.52, F.S.	Adds Space Force to list of other Armed Forces.
s. 331.304, F.S.	Amends names of certain Armed Forces bases to Space Force bases.
s. 461.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 466.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 496.415, F.S.	Adds Space Force to list of other Armed Forces.
s. 817.312, F.S.	Adds Space Force to list of other Armed Forces.
s. 1000.36, F.S.	Amends definition of “uniformed services” to include the Space Force.
s. 1003.51, F.S.	Adds Space Force to the definition of a military student.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
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	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (20) of section
61.703, Florida Statutes, is amended to read:

61.703 Definitions.—As used in this part:

(20) "Uniformed service" means any of the following:

(a) Active and reserve components of the Army, Navy, Air
Force, Marine Corps, Space Force, or Coast Guard of the United



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States.

Section 2. Subsection (1) of section 92.51, Florida Statutes, is amended to read:

92.51 Oaths, affidavits, and acknowledgments; taken or administered by commissioned officer of United States Armed Forces.—

(1) Oaths, affidavits, and acknowledgments required or authorized by the laws of this state may be taken or administered within or without the United States by or before any commissioned officer in active service of the Armed Forces of the United States with the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps or ensign or higher in the Navy or Coast Guard when the person required or authorized to make and execute the oath, affidavit, or acknowledgment is a member of the Armed Forces of the United States, the spouse of such member or a person whose duties require the person's presence with the Armed Forces of the United States.

Section 3. Subsection (42) of section 97.021, Florida Statutes, is amended to read:

97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(42) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

Section 4. Section 115.01, Florida Statutes, is amended to read:

115.01 Leave of absence for military service.—Any county or



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state official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, or in the National Guard of any state, or in the regular Army, ~~or~~ Navy, Air Force, Marine Corps, or Space Force of the United States, when the same shall be called into active service of the United States during war between the United States and a foreign government.

Section 5. Paragraph (n) of subsection (2) of section 163.3175, Florida Statutes, is amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. Consequently, this section and the provisions in s.

163.3177(6)(a), relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific military installations, as follows:

(n) Patrick Space ~~Air~~ Force Base and Cape Canaveral Space ~~Air~~ Force Station, associated with Brevard County and Satellite Beach.

Section 6. Paragraph (a) of subsection (4) of section 210.04, Florida Statutes, is amended to read:

210.04 Construction; exemptions; collection.—

(4) No tax shall be required to be paid:

(a) Upon cigarettes sold at post exchanges, ship service



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stores, ship stores, slop chests, or base exchanges to members of the Armed Services of the United States when such post exchanges, ship service stores, or base exchanges are operated under regulations of the Army, Navy, ~~or~~ Air Force, or Space Force of the United States on military, naval, space force, or air force reservations in this state or when such ship stores or slop chests are operated under the regulations of the United States Navy on ships of the United States Navy; however, it is unlawful for anyone, including members of the Armed Services of the United States, to purchase such tax-exempt cigarettes for purposes of resale. Any person who resells, or offers for resale, tax-exempt cigarettes purchased at post exchanges, ship service stores, ship stores, slop chests, or base exchanges is guilty of a violation of the cigarette tax law, punishable as provided in s. 210.18(1).

Section 7. Subsection (4) of section 250.01, Florida Statutes, is amended to read:

250.01 Definitions.—As used in this chapter, the term:

(4) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Section 8. Subsection (2) of section 250.43, Florida Statutes, is amended to read:

250.43 Wearing of uniform and insignia of rank; penalty.—

(2) Every person other than an officer or enlisted person of the Florida National Guard, naval militia, or marine corps of this state, any other state, Puerto Rico, or the District of Columbia, or of the United States Army, Navy, Marine Corps, ~~or~~ Air Force, or Space Force, who wears the uniform of the United States Army, Navy, Marine Corps, Air Force, Space Force,



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National Guard, Naval Militia, or Marine Corps or any part of such uniform, or a uniform or part of uniform similar thereto, or in imitation thereof, within the bounds of the state, except in cases where the wearing of such uniform is permitted by the laws of the United States and the regulations of the Secretary of Defense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. This section does not prohibit persons in the theatrical profession from wearing such uniforms while actually engaged in such profession, in any playhouse or theater, in a production in no way reflecting upon such uniform; does not prohibit the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; and does not apply to cadets of any military school or to Boy Scouts or Girl Scouts.

Section 9. Section 250.52, Florida Statutes, is amended to read:

250.52 Unlawful to persuade citizens not to enlist; penalty.—Whenever the United States is at war, or our foreign relations tend to indicate an impending war or state of war, a person may not solicit or persuade a citizen of the United States not to enlist or serve in the Army, Air Force, Space Force, Marine Corps, Coast Guard, or Navy, or in any reserve component thereof, or in the Florida National Guard, or publicly attempt to dissuade any such citizen from enlisting. This section does not apply to the soliciting or persuading done by any person related by affinity or consanguinity to the person solicited or persuaded or whose advice is requested by the person solicited or persuaded. Any person who violates this section commits a misdemeanor of the first degree, punishable as



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provided in s. 775.082 or s. 775.083.

Section 10. Paragraph (b) of subsection (1) of section 295.061, Florida Statutes, is amended to read:

295.061 Active duty servicemembers; death benefits.—

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

(b) "United States Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

Section 11. Subsection (7) of section 296.02, Florida Statutes, is amended to read:

296.02 Definitions.—For the purposes of this part, except where the context clearly indicates otherwise:

(7) "Peacetime service" means Army, Navy, Marines, Coast Guard, ~~or~~ Air Force, or Space Force service that is not during a wartime era as defined in s. 1.01(14).

Section 12. Subsection (1) of section 331.304, Florida Statutes, is amended to read:

331.304 Spaceport territory.—The following property shall constitute spaceport territory:

(1) Certain real property located in Brevard County that is included within the 1998 boundaries of Patrick Space Force Base, formerly Patrick Air Force Base; Cape Canaveral Space Force Station, formerly Cape Canaveral Air Force Station; ~~or~~ John F. Kennedy Space Center. The territory consisting of areas within the John F. Kennedy Space Center and the Cape Canaveral Space Air Force Station may be referred to as the "Cape Canaveral Spaceport."

Section 13. Subsection (3) of section 461.002, Florida Statutes, is amended to read:



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461.002 Exceptions.—

(3) This chapter shall not apply to the practice of podiatric medicine by graduate podiatric physicians in the United States Army, Air Force, Space Force, Marines, Navy, Public Health Service, Coast Guard, or United States Department of Veterans Affairs in the discharge of their official duties.

Section 14. Subsection (3) of section 466.002, Florida Statutes, is amended to read:

466.002 Persons exempt from operation of chapter.—Nothing in this chapter shall apply to the following practices, acts, and operations:

(3) The practice of dentistry in the discharge of their official duties by graduate dentists or dental surgeons in the United States Army, Air Force, Space Force, Marines, Navy, Public Health Service, Coast Guard, or United States Department of Veterans Affairs.

Section 15. Subsection (6) of section 496.415, Florida Statutes, is amended to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(6) Falsely state that he or she is a member of or represents a charitable organization or sponsor, or falsely state or represent that he or she is a member of or represents the United States Air Force, United States Army, United States Coast Guard, United States Marine Corps, United States Navy, United States Space Force, the National Guard, or a law enforcement or emergency service organization.

Section 16. Subsection (3) of section 540.08, Florida



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Statutes, is amended to read:

540.08 Unauthorized publication of name or likeness.—

(3) If a person uses the name, portrait, photograph, or other likeness of a member of the armed forces without obtaining the consent required in subsection (1) and such use is not subject to any exception listed in this section, a court may impose a civil penalty of up to \$1,000 per violation in addition to the civil remedies contained in subsection (2). Each commercial transaction constitutes a violation under this section. As used in this section, the term "member of the armed forces" means an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard of the United States, the Florida National Guard, and the United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.

Section 17. Subsection (1) of section 695.031, Florida Statutes, is amended to read:

695.031 Affidavits and acknowledgments by members of armed forces and their spouses.—

(1) In addition to the manner, form and proof of acknowledgment of instruments as now provided by law, any person serving in or with the Armed Forces of the United States, including the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or any component or any arm or service of any thereof, including any female auxiliary of any thereof, and any person whose duties require his or her presence with the Armed Forces of the United States, as herein designated, or otherwise designated by law or military or naval command, may acknowledge any instrument, wherever located, either within or without the



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state, or without the United States, before any commissioned officer in active service of the Armed Forces of the United States, as herein designated, or otherwise designated by law, or military or naval command, or order, with the rank of second lieutenant or higher in the Army, Air Force, Space Force, or Marine Corps, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof, or ensign or higher in the Navy or United States Coast Guard, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof.

Section 18. Subsection (4) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

(4) Any unit owner may display one portable, removable United States flag in a respectful way and, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day, may display in a respectful way portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, regardless of any declaration rules or requirements dealing with flags or decorations.

Section 19. Paragraph (a) of subsection (2) of section 720.304, Florida Statutes, is amended to read:

720.304 Right of owners to peaceably assemble; display of flag; SLAPP suits prohibited.—

(2)(a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a



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respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.

Section 20. Subsection (3) of section 790.25, Florida Statutes, is amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;

(c) Persons carrying out or training for emergency management duties under chapter 252;

(d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue



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officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;

(e) Officers or employees of the state or United States duly authorized to carry a concealed weapon;

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;

(g) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;

(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

(i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

(j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law



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or going to or from such place;

(k) A person firing weapons in a safe and secure indoor range for testing and target practice;

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;

(m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;

(n) A person possessing arms at his or her home or place of business;

(o) Investigators employed by the several public defenders of the state, while actually carrying out official duties, provided such investigators:

1. Are employed full time;
2. Meet the official training standards for firearms established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(5) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and
3. Are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

(p) Investigators employed by the capital collateral regional counsel, while actually carrying out official duties, provided such investigators:

1. Are employed full time;



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2. Meet the official training standards for firearms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the capital collateral regional counsel and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

(q)1. A tactical medical professional who is actively operating in direct support of a tactical operation by a law enforcement agency provided that:

a. The tactical medical professional is lawfully able to possess firearms and has an active concealed weapons permit issued pursuant to s. 790.06.

b. The tactical medical professional is appointed to a law enforcement tactical team of a law enforcement agency by the head of the law enforcement agency.

c. The law enforcement agency has an established policy providing for the appointment, training, and deployment of the tactical medical professional.

d. The tactical medical professional successfully completes a firearms safety training and tactical training as established or designated by the appointing law enforcement agency.

e. The law enforcement agency provides and the tactical medical professional participates in annual firearm training and tactical training.

2. While actively operating in direct support of a tactical operation by a law enforcement agency, a tactical medical professional:



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a. May carry a firearm in the same manner as a law enforcement officer, as defined in s. 943.10 and, notwithstanding any other law, at any place a tactical law enforcement operation occurs.

b. Has no duty to retreat and is justified in the use of any force which he or she reasonably believes is necessary to defend himself or herself or another from bodily harm.

c. Has the same immunities and privileges as a law enforcement officer, as defined in s. 943.10, in a civil or criminal action arising out of a tactical law enforcement operation when acting within the scope of his or her official duties.

3. This paragraph may not be construed to authorize a tactical medical professional to carry, transport, or store any firearm or ammunition on any fire apparatus or EMS vehicle.

4. The appointing law enforcement agency shall issue any firearm or ammunition that the tactical medical professional carries in accordance with this paragraph.

5. For the purposes of this paragraph, the term "tactical medical professional" means a paramedic, as defined in s. 401.23, a physician, as defined in s. 458.305, or an osteopathic physician, as defined in s. 459.003, who is appointed to provide direct support to a tactical law enforcement unit by providing medical services at high-risk incidents, including, but not limited to, hostage incidents, narcotics raids, hazardous surveillance, sniper incidents, armed suicidal persons, barricaded suspects, high-risk felony warrant service, fugitives refusing to surrender, and active shooter incidents.

Section 21. Paragraph (a) of subsection (1) of section



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817.312, Florida Statutes, is amended to read:

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

(1)(a) A person may not:

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

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

while soliciting for charitable contributions or for the purpose of material gain, including, but not limited to, obtaining employment or public office resulting in receiving compensation.

Section 22. Contingent upon SB 430 or similar legislation extending the repeal date of the Interstate Compact on Educational Opportunity for Military Children taking effect, section 1000.36, Florida Statutes, is amended to read:

1000.36 Interstate Compact on Educational Opportunity for Military Children.—The Governor is authorized and directed to execute the Interstate Compact on Educational Opportunity for Military Children on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

Interstate Compact on Educational
Opportunity for Military Children



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ARTICLE I

PURPOSE.—It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the adoption and enforcement of administrative rules implementing this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the



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educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II

DEFINITIONS.—As used in this compact, unless the context clearly requires a different construction, the term:

A. "Active duty" means the full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. ss. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through 12th grade, in the household of an active-duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed under Article VIII of this compact.

D. "Deployment" means the period 1 month before the service members' departure from their home station on military orders through 6 months after return to their home station.

E. "Educational records" or "education records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.



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F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" means the commission that is created under Article IX of this compact, which is generally referred to as the Interstate Commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of, and direction for, kindergarten through 12th grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other United States Territory. The term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.



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L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the Interstate Commission adopted under Article XII of this compact which is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other United States Territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through 12th grade.

Q. "Transition" means:

1. The formal and physical process of transferring from school to school; or

2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the Army, Navy, Air Force, Space Force, Marine Corps, Coast Guard as well as the



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Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

APPLICABILITY.—

A. Except as otherwise provided in Section C, this compact applies to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active-duty orders pursuant to 10 U.S.C. ss. 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

B. This interstate compact applies to local education agencies.

C. This compact does not apply to the children of:

1. Inactive members of the National Guard and military reserves;

2. Members of the uniformed services now retired, except as provided in Section A;

3. Veterans of the uniformed services, except as provided in Section A; and



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4. Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active-duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT.—

A. If a child's official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, that school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of the request, the school in the sending state shall process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules adopted by the Interstate Commission.

C. Compact states must give 30 days from the date of enrollment or within such time as is reasonably determined under the rules adopted by the Interstate Commission for students to obtain any immunization required by the receiving state. For a



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series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state is eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE.—

A. If a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering



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620 placement. A school in the receiving state is not precluded from
621 performing subsequent evaluations to ensure appropriate
622 placement and continued enrollment of the student in the
623 courses.

624 B. The receiving state school must initially honor
625 placement of the student in educational programs based on
626 current educational assessments conducted at the school in the
627 sending state or participation or placement in like programs in
628 the sending state. Such programs include, but are not limited
629 to:

- 630 1. Gifted and talented programs; and
- 631 2. English as a second language (ESL).

632
633 A school in the receiving state is not precluded from performing
634 subsequent evaluations to ensure appropriate placement and
635 continued enrollment of the student in the courses.

636 C. A receiving state must initially provide comparable
637 services to a student with disabilities based on his or her
638 current individualized education program (IEP) in compliance
639 with the requirements of the Individuals with Disabilities
640 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
641 state must make reasonable accommodations and modifications to
642 address the needs of incoming students with disabilities,
643 subject to an existing section 504 or title II plan, to provide
644 the student with equal access to education, in compliance with
645 the provisions of Section 504 of the Rehabilitation Act, 29
646 U.S.C.A. s. 794, and with title II of the Americans with
647 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
648 receiving state is not precluded from performing subsequent



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evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

D. Local education agency administrative officials may waive course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. A student whose parent or legal guardian is an active-duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to, a combat zone or combat support posting shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI

ELIGIBILITY.—

A. When considering the eligibility of a child for enrolling in a school:

1. A special power of attorney relative to the guardianship of a child of a military family and executed under applicable law is sufficient for the purposes of enrolling the child in school and for all other actions requiring parental participation and consent.

2. A local education agency is prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school's jurisdiction different from



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that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a school's jurisdiction different from that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. State and local education agencies must facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII

GRADUATION.—In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency must provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. States shall accept exit or end-of-course exams required for graduation from the sending state; national norm-referenced achievement tests; or alternative testing, in lieu of testing requirements for graduation in the receiving state. If these alternatives cannot be accommodated by the receiving state for a



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student transferring in his or her senior year, then the provisions of Article VII, Section C shall apply.

C. If a military student transfers at the beginning of or during his or her senior year and is not eligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies must ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. If one of the states in question is not a member of this compact, the member state shall use its best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this Article.

ARTICLE VIII

STATE COORDINATION.—Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities.

A. Each member state may determine the membership of its own state council, but the membership must include at least: the state superintendent of education, the superintendent of a school district that has a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the



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state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX

INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.—The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be



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conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. The ex officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members.



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D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a 1-year term. Members of the executive committee are entitled to one vote each. The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the compact, its bylaws and rules, and other such duties as deemed necessary. The United States Department of Defense shall serve as an ex officio, nonvoting member of the executive committee.

F. The Interstate Commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange, and reporting requirements. The methods of data collection, exchange, and reporting shall, insofar as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

G. The Interstate Commission shall create a procedure that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged



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violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section does not create a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The Interstate Commission has the power to:

A. Provide for dispute resolution among member states.

B. Adopt rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules have the force and effect of statutory law and are binding in the compact states to the extent and in the manner provided in this compact.

C. Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions.

D. Enforce compliance with the compact provisions, the rules adopted by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.

E. Establish and maintain offices that shall be located within one or more of the member states.

F. Purchase and maintain insurance and bonds.

G. Borrow, accept, hire, or contract for services of personnel.

H. Establish and appoint committees, including, but not



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limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. Elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. Accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it.

K. Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

L. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

M. Establish a budget and make expenditures.

N. Adopt a seal and bylaws governing the management and operation of the Interstate Commission.

O. Report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

P. Coordinate education, training, and public awareness regarding the compact, its implementation, and operation for



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officials and parents involved in such activity.

Q. Establish uniform standards for the reporting, collecting, and exchanging of data.

R. Maintain corporate books and records in accordance with the bylaws.

S. Perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. Provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the Interstate Commission;

2. Establishing an executive committee and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

4. Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each such meeting;



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5. Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

6. Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations.

7. Providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. The executive committee has the authority and duties as may be set forth in the bylaws, including, but not limited to:

1. Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

2. Overseeing an organizational structure within, and appropriate procedures for, the Interstate Commission to provide for the adoption of rules, operating procedures, and administrative and technical support functions; and



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939 3. Planning, implementing, and coordinating communications
940 and activities with other state, federal, and local government
941 organizations in order to advance the goals of the Interstate
942 Commission.

943 D. The executive committee may, subject to the approval of
944 the Interstate Commission, appoint or retain an executive
945 director for such period, upon such terms and conditions and for
946 such compensation, as the Interstate Commission may deem
947 appropriate. The executive director shall serve as secretary to
948 the Interstate Commission but is not a member of the Interstate
949 Commission. The executive director shall hire and supervise such
950 other persons as may be authorized by the Interstate Commission.

951 E. The Interstate Commission's executive director and its
952 employees are immune from suit and liability, either personally
953 or in their official capacity, for a claim for damage to or loss
954 of property or personal injury or other civil liability caused
955 or arising out of, or relating to, an actual or alleged act,
956 error, or omission that occurred, or that such person had a
957 reasonable basis for believing occurred, within the scope of
958 Interstate Commission employment, duties, or responsibilities,
959 provided that the person is not protected from suit or liability
960 for damage, loss, injury, or liability caused by the intentional
961 or willful and wanton misconduct of the person.

962 1. The liability of the Interstate Commission's executive
963 director and employees or Interstate Commission representatives,
964 acting within the scope of the person's employment or duties,
965 for acts, errors, or omissions occurring within the person's
966 state may not exceed the limits of liability set forth under the
967 constitution and laws of that state for state officials,



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employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. This subsection does not protect the person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the person.

2. The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend an Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of the person.

3. To the extent not covered by the state involved, a member state, the Interstate Commission, and the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against a person arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of Interstate Commission



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employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of the person.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The Interstate Commission shall adopt rules to effectively and efficiently implement this act to achieve the purposes of this compact.

A. If the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, the action undertaken by the Interstate Commission is invalid and has no force or effect.

B. Rules must be adopted pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. No later than 30 days after a rule is adopted, a person may file a petition for judicial review of the rule. The filing of the petition does not stay or otherwise prevent the rule from becoming effective unless a court finds that the petitioner has a substantial likelihood of success on the merits of the petition. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a



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reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then the rule is invalid and has no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.—

A. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted under it have the force and effect of statutory law.

B. All courts shall take judicial notice of the compact and its adopted rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission.

C. The Interstate Commission is entitled to receive all service of process in any such proceeding, and has standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission renders a judgment or order void as to the Interstate Commission, this compact, or its adopted rules.

D. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or



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responsibilities under this compact, or the bylaws or the adopted rules, the Interstate Commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission must specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, terminate the defaulting state from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

E. Suspension or termination of membership in the compact may not be imposed on a member until all other means of securing compliance have been exhausted. Notice of the intent to suspend or terminate membership must be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

F. A state that has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination, including obligations, the performance of which extends beyond the effective date of suspension or termination.

G. The remaining member states of the Interstate Commission



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do not bear any costs arising from a state that has been found to be in default or that has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

H. A defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

I. The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and that may arise among member states and between member and nonmember states. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices to enforce compliance with the provisions of the compact, or its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,



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including reasonable attorney's fees.

3. The remedies herein are not the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION.—

A. The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall adopt a rule binding upon all member states.

C. The Interstate Commission may not incur any obligation of any kind before securing the funds adequate to meet the obligation and the Interstate Commission may not pledge the credit of any of the member states, except by and with the permission of the member state.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission are subject to audit and accounting procedures established under its bylaws. However,



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all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

A. Any state is eligible to become a member state.

B. The compact shall take effect and be binding upon legislative enactment of the compact into law by not less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis before adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. An amendment does not become effective and binding upon the Interstate Commission and the member states until the amendment is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION.—

A. Once in effect, the compact continues in force and



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remains binding upon each and every member state, provided that a member state may withdraw from the compact, specifically repealing the statute that enacted the compact into law.

1. Withdrawal from the compact occurs when a statute repealing its membership is enacted by the state, but does not take effect until 1 year after the effective date of the statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member state.

2. The withdrawing state must immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days after its receipt thereof.

3. A withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

4. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

C. Upon the dissolution of this compact, the compact becomes void and has no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.



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ARTICLE XVII

SEVERABILITY AND CONSTRUCTION.—

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. This compact does not prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.—

A. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

B. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

C. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

D. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

E. If any part of this compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict



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with the constitutional provision in question in that member state.

Section 23. Subsection (1) of section 1003.051, Florida Statutes, is amended to read:

1003.051 Purple Star Campuses.—

(1) As used in this section, the term “military student” means a student who is:

(a) Enrolled in a school district, charter school, or any school or educational institution participating in an educational choice scholarship program established pursuant to chapter 1002; and

(b) A dependent of a current member of the United States military serving on active duty in, or a former member of, the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of the United States military; or the Florida National Guard.

Section 24. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (7) of section 373.324, Florida Statutes, is reenacted to read:

373.324 License renewal.—

(7) Notwithstanding the renewal requirements in subsection (3) and s. 250.4815 for members of the Florida National Guard and the United States Armed Forces Reserves, any active water well contractor license issued under this part to a servicemember as defined in s. 250.01 or his or her spouse, both of whom reside in Florida, may not become inactive while the servicemember is serving on military orders which take him or her over 35 miles from his or her residence and shall be



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considered an active license for up to 180 days after the servicemember returns to his or her Florida residence. If the license renewal requirements are met within the 180-day extension period, the servicemember or his or her spouse may not be charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. This subsection does not waive renewal requirements such as registering, continuing education, and all associated fees. The servicemember must present to the water management district issuing the license a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension.

Section 25. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 409.1664, Florida Statutes, is reenacted to read:

409.1664 Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers.—

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

(c) "Servicemember" has the same meaning as in s. 250.01(19).

Section 26. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (1) of section 520.14, Florida Statutes, is reenacted to read:

520.14 Termination of retail installment contract for leasing a motor vehicle by a servicemember.—

(1) Any servicemember, as defined in s. 250.01, may



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terminate his or her retail installment contract for leasing a motor vehicle by providing the sales finance company with a written notice of termination, effective on the date specified in the notice, which date shall be at least 30 days after the receipt of the notice by the sales finance company, if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station, to move outside the continental United States; or

(b) The servicemember receives temporary duty orders, temporary change of station orders, or active duty orders outside the continental United States, provided such orders are for a period exceeding 60 days.

Section 27. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (5) of section 627.7283, Florida Statutes, is reenacted to read:

627.7283 Cancellation; return of unearned premium.—

(5) The insurer must refund 100 percent of the unearned premium if the insured is a servicemember, as defined in s. 250.01, who cancels because he or she is called to active duty or transferred by the United States Armed Forces to a location where the insurance is not required. The insurer may require a servicemember to submit either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to support the refund authorized under this subsection. If the insurer cancels, the insurer must refund 100 percent of the unearned premium. Cancellation is without prejudice to any claim originating prior to the effective date



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of the cancellation. For purposes of this section, unearned premiums must be computed on a pro rata basis.

Section 28. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 689.27, Florida Statutes, is reenacted to read:

689.27 Termination by servicemember of agreement to purchase real property.—

(1) Notwithstanding any other provisions of law and for the purposes of this section:

(d) "Servicemember" shall have the same meaning as provided in s. 250.01.

Section 29. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (5) of section 790.015, Florida Statutes, is reenacted to read:

790.015 Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity.—

(5) The requirement of paragraph (1)(a) does not apply to a person who:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was discharged under honorable conditions.

Section 30. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in references thereto, subsection (4) and paragraph (b) of subsection (11) of section 790.06, Florida Statutes, are reenacted to read:

790.06 License to carry concealed weapon or firearm.—



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(4) The application shall be completed, under oath, on a form adopted by the Department of Agriculture and Consumer Services and shall include:

(a) The name, address, place of birth, date of birth, and race of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a copy of or a website link to this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06;

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense; and

(f) Directions for an applicant who is a servicemember, as defined in s. 250.01, or a veteran, as defined in s. 1.01, to request expedited processing of his or her application.

(11)

(b) A license issued to a servicemember, as defined in s. 250.01, is subject to paragraph (a); however, such a license does not expire while the servicemember is serving on military orders that have taken him or her over 35 miles from his or her residence and shall be extended, as provided in this paragraph, for up to 180 days after his or her return to such residence. If the license renewal requirements in paragraph (a) are met within the 180-day extension period, the servicemember may not be



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charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. The servicemember must present to the Department of Agriculture and Consumer Services a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension.

Section 31. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (1) of section 790.062, Florida Statutes, is reenacted to read:

790.062 Members and veterans of United States Armed Forces; exceptions from licensure provisions.—

(1) Notwithstanding s. 790.06(2)(b), the Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm under s. 790.06 if the applicant is otherwise qualified and:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was discharged under honorable conditions.

Section 32. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (13) of section 790.065, Florida Statutes, is reenacted to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A



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person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 33. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 790.0655, Florida Statutes, is reenacted to read:

790.0655 Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.—

(2) The waiting period does not apply in the following circumstances:

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 34. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in references thereto, subsections (1), (2), and (3) of section 948.21, Florida Statutes, are reenacted to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—

(1) Effective for a probationer or community controllee whose crime is committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental



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illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer's or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(2) Effective for a probationer or community controllee whose crime is committed on or after July 1, 2016, and who is a veteran, as defined in s. 1.01, including a veteran who is discharged or released under a general discharge, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(3) Effective for a probationer or community controllee whose crime is committed on or after October 1, 2019, and who is a veteran, as defined in s. 1.01; a veteran who is discharged or released under any condition; a servicemember, as defined in s. 250.01; an individual who is a current or former United States Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or



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psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

Section 35. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the United States Space Force;
amending s. 61.703, F.S.; revising the definition of
the term "uniformed service" to include the United
States Space Force; amending s. 92.51, F.S.; revising
the Armed Forces officers authorized to take or
administer specified oaths, affidavits, or
acknowledgements to include United States Space Force
officers; amending s. 97.021, F.S.; revising the
definition of the term "uniformed services" to include
the United States Space Force; amending s. 115.01,
F.S.; revising the military service branches for which
any county or state official who is called to active
service may receive a leave of absence; amending s.
163.3175, F.S.; updating military base names; amending
s. 210.04, F.S.; adding post exchanges operated by the



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1490 United States Space Force to those that are exempt
1491 from paying tax on cigarettes sold; amending s.
1492 250.01, F.S.; revising the definition of the term
1493 "armed forces" to include the United States Space
1494 Force; amending s. 250.43, F.S.; revising the armed
1495 forces uniforms that are protected from imitation to
1496 include uniforms of the United States Space Force;
1497 amending s. 250.52, F.S.; prohibiting persons from
1498 soliciting or persuading another not to enlist with
1499 the United States Space Force when the country is at
1500 war or there are indications of a pending war;
1501 amending s. 295.061, F.S.; revising the definition of
1502 the term "United States Armed Forces" to include the
1503 United States Space Force; amending s. 296.02, F.S.;
1504 revising the definition of the term "peacetime
1505 service" to include service in the United States Space
1506 Force; amending s. 331.304, F.S.; revising the names
1507 of specified former Air Force bases to reflect they
1508 are Space Force bases; amending s. 461.002, F.S.;
1509 providing an exception to graduate podiatric
1510 physicians practicing in the United States Space
1511 Force; amending s. 466.002, F.S.; providing an
1512 exemption to graduate dentists or dental surgeons
1513 practicing in the United States Space Force; amending
1514 s. 496.415, F.S.; prohibiting a person from
1515 representing or claiming to be a member of the United
1516 States Space Force in connection with any solicitation
1517 or charitable or sponsor sales promotion; amending s.
1518 540.08, F.S.; revising the definition of the term



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1519 "member of the armed forces" to include members of the
1520 United States Space Force; amending s. 695.031, F.S.;
1521 including members of the United States Space Force and
1522 the United States Air Force as servicemembers who may
1523 acknowledge certain instruments; amending s. 718.113,
1524 F.S.; including the official flag that represents the
1525 United States Space Force as a flag that may be
1526 displayed by a condominium owner; amending s. 720.304,
1527 F.S.; including the official flag that represents the
1528 United States Space Force as a flag that may be
1529 displayed by a homeowner; amending s. 790.25, F.S.;
1530 authorizing members of the United States Space Force
1531 to own, possess, and lawfully use firearms and other
1532 weapons, ammunition, and supplies when on duty, when
1533 training or preparing themselves for military duty, or
1534 while subject to recall or mobilization; amending s.
1535 817.312, F.S.; prohibiting a person from unlawfully
1536 using the uniforms, medals, or insignia of the United
1537 States Space Force; amending s. 1000.36, F.S.;
1538 revising the definition of the term "uniformed
1539 services" to include the United States Space Force;
1540 amending s. 1003.051, F.S.; revising the definition of
1541 the term "military student" to include a student who
1542 is a dependent of a current or former member of the
1543 United States Space Force; reenacting ss. 373.324(7),
1544 409.1664(1)(c), 520.14(1), 627.7283(5), 689.27(1)(d),
1545 790.015(5), 790.06(4) and (11)(b), 790.062(1),
1546 790.065(13), 790.0655(2)(d), and 948.21(1), (2), and
1547 (3), F.S., which reference the definition of the term



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1548 "servicemember," to incorporate the amendment made to
1549 s. 250.01, F.S., in references thereto; providing
1550 effective dates.

By Senator Burgess

20-00038-22

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1 A bill to be entitled
 2 An act relating to the United States Space Force;
 3 amending ss. 61.703 and 97.021, F.S.; revising the
 4 definition of the term "uniformed services" to include
 5 the United States Space Force; amending s. 115.01,
 6 F.S.; revising the military service branches for which
 7 any county or state official who is called to active
 8 service may receive a leave of absence; amending s.
 9 163.3175, F.S.; updating military base names; amending
 10 s. 210.04, F.S.; adding post exchanges operated by the
 11 United States Space Force to the those that are exempt
 12 from paying tax on cigarettes sold; amending s.
 13 250.01, F.S.; revising the definition of the term
 14 "armed forces" to include the United States Space
 15 Force; amending s. 250.43, F.S.; revising the armed
 16 forces uniforms that are protected from imitation to
 17 include uniforms of the United States Space Force;
 18 amending s. 295.061, F.S.; revising the definition of
 19 the term "United States Armed Forces" to include the
 20 United States Space Force; amending s. 296.02, F.S.;
 21 revising the definition of the term "peacetime
 22 service" to include service in the United States Space
 23 Force; amending s. 540.08, F.S.; revising the
 24 definition of the term "member of the armed forces" to
 25 include members of the United States Space Force;
 26 amending s. 695.031, F.S.; including members of the
 27 United States Space Force as servicemembers who may
 28 acknowledge certain instruments; amending s. 718.113,
 29 F.S.; including the official flag that represents the

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30 United States Space Force as a flag that may be
 31 displayed by a condominium owner; amending s. 720.304,
 32 F.S.; including the official flag that represents the
 33 United States Space Force as a flag that may be
 34 displayed by a homeowner; amending s. 790.25, F.S.;
 35 authorizing members of the United States Space Force
 36 to own, possess, and lawfully use firearms and other
 37 weapons, ammunition, and supplies when on duty, when
 38 training or preparing themselves for military duty, or
 39 while subject to recall or mobilization; reenacting
 40 ss. 373.324(7), 409.1664(1)(c), 520.14(1),
 41 627.7283(5), 689.27(1)(d), 790.015(5), 790.06(4)(f)
 42 and (11)(b), 790.062(1), 790.065(13), 790.0655(2)(d),
 43 and 948.21(1), (2), and (3), F.S., which reference the
 44 definition of the term "servicemember," to incorporate
 45 the amendment made to s. 250.01, F.S., in references
 46 thereto; providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Paragraph (a) of subsection (20) of section
 51 61.703, Florida Statutes, is amended to read:
 52 61.703 Definitions.—As used in this part:
 53 (20) "Uniformed service" means any of the following:
 54 (a) Active and reserve components of the Army, Navy, Air
 55 Force, Marine Corps, Space Force, or Coast Guard of the United
 56 States.

57 Section 2. Subsection (42) of section 97.021, Florida
 58 Statutes, is amended to read:

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97.021 Definitions.—For the purposes of this code, except where the context clearly indicates otherwise, the term:

(42) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

Section 3. Section 115.01, Florida Statutes, is amended to read:

115.01 Leave of absence for military service.—Any county or state official of the state, subject to the provisions and conditions hereinafter set forth, may be granted leave of absence from his or her office, to serve in the volunteer forces of the United States, or in the National Guard of any state, or in the regular Army, ~~or Navy~~, Air Force, Marine Corps, or Space Force of the United States, when the same shall be called into active service of the United States during war between the United States and a foreign government.

Section 4. Paragraph (n) of subsection (2) of section 163.3175, Florida Statutes, is amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(2) Certain major military installations, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others. Consequently, this section and the provisions in s. 163.3177(6)(a), relating to compatibility of land development with military installations, apply to specific affected local governments in proximity to and in association with specific

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military installations, as follows:

(n) Patrick Space ~~Air~~ Force Base and Cape Canaveral Space ~~Air~~ Force Station, associated with Brevard County and Satellite Beach.

Section 5. Paragraph (a) of subsection (4) of section 210.04, Florida Statutes, is amended to read:

210.04 Construction; exemptions; collection.—

(4) No tax shall be required to be paid:

(a) Upon cigarettes sold at post exchanges, ship service stores, ship stores, slop chests, or base exchanges to members of the Armed Services of the United States when such post exchanges, ship service stores, or base exchanges are operated under regulations of the Army, Navy, ~~or Air Force~~, or Space Force of the United States on military, naval, or air force reservations in this state or when such ship stores or slop chests are operated under the regulations of the United States Navy on ships of the United States Navy; however, it is unlawful for anyone, including members of the Armed Services of the United States, to purchase such tax-exempt cigarettes for purposes of resale. Any person who resells, or offers for resale, tax-exempt cigarettes purchased at post exchanges, ship service stores, ship stores, slop chests, or base exchanges is guilty of a violation of the cigarette tax law, punishable as provided in s. 210.18(1).

Section 6. Subsection (4) of section 250.01, Florida Statutes, is amended to read:

250.01 Definitions.—As used in this chapter, the term:

(4) "Armed forces" means the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

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117 Section 7. Subsection (2) of section 250.43, Florida
 118 Statutes, is amended to read:
 119 250.43 Wearing of uniform and insignia of rank; penalty.—
 120 (2) Every person other than an officer or enlisted person
 121 of the Florida National Guard, naval militia, or marine corps of
 122 this state, any other state, Puerto Rico, or the District of
 123 Columbia, or of the United States Army, Navy, Marine Corps, ~~or~~
 124 Air Force, or Space Force, who wears the uniform of the United
 125 States Army, Navy, Marine Corps, Air Force, Space Force,
 126 National Guard, Naval Militia, or Marine Corps or any part of
 127 such uniform, or a uniform or part of uniform similar thereto,
 128 or in imitation thereof, within the bounds of the state, except
 129 in cases where the wearing of such uniform is permitted by the
 130 laws of the United States and the regulations of the Secretary
 131 of Defense, commits a misdemeanor of the first degree,
 132 punishable as provided in s. 775.082 or s. 775.083. This section
 133 does not prohibit persons in the theatrical profession from
 134 wearing such uniforms while actually engaged in such profession,
 135 in any playhouse or theater, in a production in no way
 136 reflecting upon such uniform; does not prohibit the uniform rank
 137 of civic societies parading or traveling in a body or assembling
 138 in a lodge room; and does not apply to cadets of any military
 139 school or to Boy Scouts or Girl Scouts.
 140 Section 8. Paragraph (b) of subsection (1) of section
 141 295.061, Florida Statutes, is amended to read:
 142 295.061 Active duty servicemembers; death benefits.—
 143 (1) As used in this section, the term:
 144 (b) "United States Armed Forces" means the United States
 145 Army, Navy, Air Force, Marine Corps, Space Force, and Coast

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146 Guard.
 147 Section 9. Subsection (7) of section 296.02, Florida
 148 Statutes, is amended to read:
 149 296.02 Definitions.—For the purposes of this part, except
 150 where the context clearly indicates otherwise:
 151 (7) "Peacetime service" means Army, Navy, Marines, Coast
 152 Guard, ~~or~~ Air Force, or Space Force service that is not during a
 153 wartime era as defined in s. 1.01(14).
 154 Section 10. Subsection (3) of section 540.08, Florida
 155 Statutes, is amended to read:
 156 540.08 Unauthorized publication of name or likeness.—
 157 (3) If a person uses the name, portrait, photograph, or
 158 other likeness of a member of the armed forces without obtaining
 159 the consent required in subsection (1) and such use is not
 160 subject to any exception listed in this section, a court may
 161 impose a civil penalty of up to \$1,000 per violation in addition
 162 to the civil remedies contained in subsection (2). Each
 163 commercial transaction constitutes a violation under this
 164 section. As used in this section, the term "member of the armed
 165 forces" means an officer or enlisted member of the Army, Navy,
 166 Air Force, Marine Corps, Space Force, or Coast Guard of the
 167 United States, the Florida National Guard, and the United States
 168 Reserve Forces, including any officer or enlisted member who
 169 died as a result of injuries sustained in the line of duty.
 170 Section 11. Subsection (1) of section 695.031, Florida
 171 Statutes, is amended to read:
 172 695.031 Affidavits and acknowledgments by members of armed
 173 forces and their spouses.—
 174 (1) In addition to the manner, form and proof of

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acknowledgment of instruments as now provided by law, any person serving in or with the Armed Forces of the United States, including the Army, Navy, Marine Corps, Space Force, Coast Guard, or any component or any arm or service of any thereof, including any female auxiliary of any thereof, and any person whose duties require his or her presence with the Armed Forces of the United States, as herein designated, or otherwise designated by law or military or naval command, may acknowledge any instrument, wherever located, either within or without the state, or without the United States, before any commissioned officer in active service of the Armed Forces of the United States, as herein designated, or otherwise designated by law, or military or naval command, or order, with the rank of second lieutenant or higher in the Army or Marine Corps, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof, or ensign or higher in the Navy or United States Coast Guard, or of any component or any arm or service of either thereof, including any female auxiliary of any thereof.

Section 12. Subsection (4) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

(4) Any unit owner may display one portable, removable United States flag in a respectful way and, on Armed Forces Day, Memorial Day, Flag Day, Independence Day, and Veterans Day, may display in a respectful way portable, removable official flags, not larger than 4 1/2 feet by 6 feet, that represent the United

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States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, regardless of any declaration rules or requirements dealing with flags or decorations.

Section 13. Paragraph (a) of subsection (2) of section 720.304, Florida Statutes, is amended to read:

720.304 Right of owners to peaceably assemble; display of flag; SLAPP suits prohibited.—

(2) (a) Any homeowner may display one portable, removable United States flag or official flag of the State of Florida in a respectful manner, and one portable, removable official flag, in a respectful manner, not larger than 4 1/2 feet by 6 feet, which represents the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, or a POW-MIA flag, regardless of any covenants, restrictions, bylaws, rules, or requirements of the association.

Section 14. Subsection (3) of section 790.25, Florida Statutes, is amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.—

(3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(a) Members of the Militia, National Guard, Florida State Defense Force, Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, organized reserves, and other armed forces of the state and of the United States, when on duty, when training or preparing themselves for military duty, or while subject to

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recall or mobilization;

(b) Citizens of this state subject to duty in the Armed Forces under s. 2, Art. X of the State Constitution, under chapters 250 and 251, and under federal laws, when on duty or when training or preparing themselves for military duty;

(c) Persons carrying out or training for emergency management duties under chapter 252;

(d) Sheriffs, marshals, prison or jail wardens, police officers, Florida highway patrol officers, game wardens, revenue officers, forest officials, special officers appointed under the provisions of chapter 354, and other peace and law enforcement officers and their deputies and assistants and full-time paid peace officers of other states and of the Federal Government who are carrying out official duties while in this state;

(e) Officers or employees of the state or United States duly authorized to carry a concealed weapon;

(f) Guards or messengers of common carriers, express companies, armored car carriers, mail carriers, banks, and other financial institutions, while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state;

(g) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or from this state, or regularly enrolled members of clubs organized for target, skeet, or trap shooting, while at or going to or from shooting practice; or regularly enrolled members of clubs organized for modern or antique firearms collecting, while such members are at or going to or from their collectors' gun shows, conventions, or exhibits;

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(h) A person engaged in fishing, camping, or lawful hunting or going to or returning from a fishing, camping, or lawful hunting expedition;

(i) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business;

(j) A person firing weapons for testing or target practice under safe conditions and in a safe place not prohibited by law or going to or from such place;

(k) A person firing weapons in a safe and secure indoor range for testing and target practice;

(l) A person traveling by private conveyance when the weapon is securely encased or in a public conveyance when the weapon is securely encased and not in the person's manual possession;

(m) A person while carrying a pistol unloaded and in a secure wrapper, concealed or otherwise, from the place of purchase to his or her home or place of business or to a place of repair or back to his or her home or place of business;

(n) A person possessing arms at his or her home or place of business;

(o) Investigators employed by the several public defenders of the state, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(5) and the requirements of

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ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the employing public defender and filed with the clerk of the circuit court in the county in which the employing public defender resides.

(p) Investigators employed by the capital collateral regional counsel, while actually carrying out official duties, provided such investigators:

1. Are employed full time;

2. Meet the official training standards for firearms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and

3. Are individually designated by an affidavit of consent signed by the capital collateral regional counsel and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

(q)1. A tactical medical professional who is actively operating in direct support of a tactical operation by a law enforcement agency provided that:

a. The tactical medical professional is lawfully able to possess firearms and has an active concealed weapons permit issued pursuant to s. 790.06.

b. The tactical medical professional is appointed to a law enforcement tactical team of a law enforcement agency by the head of the law enforcement agency.

c. The law enforcement agency has an established policy providing for the appointment, training, and deployment of the tactical medical professional.

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d. The tactical medical professional successfully completes a firearms safety training and tactical training as established or designated by the appointing law enforcement agency.

e. The law enforcement agency provides and the tactical medical professional participates in annual firearm training and tactical training.

2. While actively operating in direct support of a tactical operation by a law enforcement agency, a tactical medical professional:

a. May carry a firearm in the same manner as a law enforcement officer, as defined in s. 943.10 and, notwithstanding any other law, at any place a tactical law enforcement operation occurs.

b. Has no duty to retreat and is justified in the use of any force which he or she reasonably believes is necessary to defend himself or herself or another from bodily harm.

c. Has the same immunities and privileges as a law enforcement officer, as defined in s. 943.10, in a civil or criminal action arising out of a tactical law enforcement operation when acting within the scope of his or her official duties.

3. This paragraph may not be construed to authorize a tactical medical professional to carry, transport, or store any firearm or ammunition on any fire apparatus or EMS vehicle.

4. The appointing law enforcement agency shall issue any firearm or ammunition that the tactical medical professional carries in accordance with this paragraph.

5. For the purposes of this paragraph, the term "tactical medical professional" means a paramedic, as defined in s.

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349 401.23, a physician, as defined in s. 458.305, or an osteopathic
 350 physician, as defined in s. 459.003, who is appointed to provide
 351 direct support to a tactical law enforcement unit by providing
 352 medical services at high-risk incidents, including, but not
 353 limited to, hostage incidents, narcotics raids, hazardous
 354 surveillance, sniper incidents, armed suicidal persons,
 355 barricaded suspects, high-risk felony warrant service, fugitives
 356 refusing to surrender, and active shooter incidents.

357 Section 15. For the purpose of incorporating the amendment
 358 made by this act to section 250.01, Florida Statutes, in a
 359 reference thereto, subsection (7) of section 373.324, Florida
 360 Statutes, is reenacted to read:

361 373.324 License renewal.—

362 (7) Notwithstanding the renewal requirements in subsection
 363 (3) and s. 250.4815 for members of the Florida National Guard
 364 and the United States Armed Forces Reserves, any active water
 365 well contractor license issued under this part to a
 366 servicemember as defined in s. 250.01 or his or her spouse, both
 367 of whom reside in Florida, may not become inactive while the
 368 servicemember is serving on military orders which take him or
 369 her over 35 miles from his or her residence and shall be
 370 considered an active license for up to 180 days after the
 371 servicemember returns to his or her Florida residence. If the
 372 license renewal requirements are met within the 180-day
 373 extension period, the servicemember or his or her spouse may not
 374 be charged any additional costs, such as, but not limited to,
 375 late fees or delinquency fees, above the normal license fees.
 376 This subsection does not waive renewal requirements such as
 377 registering, continuing education, and all associated fees. The

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378 servicemember must present to the water management district
 379 issuing the license a copy of his or her official military
 380 orders or a written verification from the member's commanding
 381 officer before the end of the 180-day period in order to qualify
 382 for the extension.

383 Section 16. For the purpose of incorporating the amendment
 384 made by this act to section 250.01, Florida Statutes, in a
 385 reference thereto, paragraph (c) of subsection (1) of section
 386 409.1664, Florida Statutes, is reenacted to read:

387 409.1664 Adoption benefits for qualifying adoptive
 388 employees of state agencies, veterans, and servicemembers.—

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

390 (c) "Servicemember" has the same meaning as in s.
 391 250.01(19).

392 Section 17. For the purpose of incorporating the amendment
 393 made by this act to section 250.01, Florida Statutes, in a
 394 reference thereto, subsection (1) of section 520.14, Florida
 395 Statutes, is reenacted to read:

396 520.14 Termination of retail installment contract for
 397 leasing a motor vehicle by a servicemember.—

398 (1) Any servicemember, as defined in s. 250.01, may
 399 terminate his or her retail installment contract for leasing a
 400 motor vehicle by providing the sales finance company with a
 401 written notice of termination, effective on the date specified
 402 in the notice, which date shall be at least 30 days after the
 403 receipt of the notice by the sales finance company, if any of
 404 the following criteria are met:

405 (a) The servicemember is required, pursuant to a permanent
 406 change of station, to move outside the continental United

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States; or

(b) The servicemember receives temporary duty orders, temporary change of station orders, or active duty orders outside the continental United States, provided such orders are for a period exceeding 60 days.

Section 18. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (5) of section 627.7283, Florida Statutes, is reenacted to read:

627.7283 Cancellation; return of unearned premium.—

(5) The insurer must refund 100 percent of the unearned premium if the insured is a servicemember, as defined in s. 250.01, who cancels because he or she is called to active duty or transferred by the United States Armed Forces to a location where the insurance is not required. The insurer may require a servicemember to submit either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to support the refund authorized under this subsection. If the insurer cancels, the insurer must refund 100 percent of the unearned premium. Cancellation is without prejudice to any claim originating prior to the effective date of the cancellation. For purposes of this section, unearned premiums must be computed on a pro rata basis.

Section 19. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 689.27, Florida Statutes, is reenacted to read:

689.27 Termination by servicemember of agreement to purchase real property.—

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(1) Notwithstanding any other provisions of law and for the purposes of this section:

(d) "Servicemember" shall have the same meaning as provided in s. 250.01.

Section 20. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (5) of section 790.015, Florida Statutes, is reenacted to read:

790.015 Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity.—

(5) The requirement of paragraph (1)(a) does not apply to a person who:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was discharged under honorable conditions.

Section 21. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in references thereto, subsection (4) and paragraph (b) of subsection (11) of section 790.06, Florida Statutes, are reenacted to read:

790.06 License to carry concealed weapon or firearm.—

(4) The application shall be completed, under oath, on a form adopted by the Department of Agriculture and Consumer Services and shall include:

(a) The name, address, place of birth, date of birth, and race of the applicant;

(b) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3);

(c) A statement that the applicant has been furnished a

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copy of or a website link to this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06;

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense; and

(f) Directions for an applicant who is a servicemember, as defined in s. 250.01, or a veteran, as defined in s. 1.01, to request expedited processing of his or her application.

(11)

(b) A license issued to a servicemember, as defined in s. 250.01, is subject to paragraph (a); however, such a license does not expire while the servicemember is serving on military orders that have taken him or her over 35 miles from his or her residence and shall be extended, as provided in this paragraph, for up to 180 days after his or her return to such residence. If the license renewal requirements in paragraph (a) are met within the 180-day extension period, the servicemember may not be charged any additional costs, such as, but not limited to, late fees or delinquency fees, above the normal license fees. The servicemember must present to the Department of Agriculture and Consumer Services a copy of his or her official military orders or a written verification from the member's commanding officer before the end of the 180-day period in order to qualify for the extension.

Section 22. For the purpose of incorporating the amendment

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made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (1) of section 790.062, Florida Statutes, is reenacted to read:

790.062 Members and veterans of United States Armed Forces; exceptions from licensure provisions.—

(1) Notwithstanding s. 790.06(2)(b), the Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm under s. 790.06 if the applicant is otherwise qualified and:

(a) Is a servicemember, as defined in s. 250.01; or

(b) Is a veteran of the United States Armed Forces who was discharged under honorable conditions.

Section 23. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in a reference thereto, subsection (13) of section 790.065, Florida Statutes, is reenacted to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 24. For the purpose of incorporating the amendment

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made by this act to section 250.01, Florida Statutes, in a reference thereto, paragraph (d) of subsection (2) of section 790.0655, Florida Statutes, is reenacted to read:

790.0655 Purchase and delivery of firearms; mandatory waiting period; exceptions; penalties.—

(2) The waiting period does not apply in the following circumstances:

(d) When a rifle or shotgun is being purchased by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.

Section 25. For the purpose of incorporating the amendment made by this act to section 250.01, Florida Statutes, in references thereto, subsections (1), (2), and (3) of section 948.21, Florida Statutes, are reenacted to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—

(1) Effective for a probationer or community controllee whose crime is committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer's or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(2) Effective for a probationer or community controllee

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whose crime is committed on or after July 1, 2016, and who is a veteran, as defined in s. 1.01, including a veteran who is discharged or released under a general discharge, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(3) Effective for a probationer or community controllee whose crime is committed on or after October 1, 2019, and who is a veteran, as defined in s. 1.01; a veteran who is discharged or released under any condition; a servicemember, as defined in s. 250.01; an individual who is a current or former United States Department of Defense contractor; or an individual who is a current or former military member of a foreign allied country, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

Section 26. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: November 1, 2021

I respectfully request that **Senate Bill #438**, relating to Space Force, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Dan", is written over a horizontal line. Below the line, the text "Florida Senate, District 20" is printed.

Florida Senate, District 20

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: CS/SB 554

INTRODUCER: Committee on Military and Veterans Affairs, Space, and Domestic Security, and Senator Cruz

SUBJECT: Educational Opportunities for Disabled Veterans

DATE: January 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u> </u>	<u> </u>	<u>AED</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 554 provides an education benefit to certain veterans who are residents and enrolled in a program of education approved by the federal educational assistance program. The bill would increase what is provided in federal law for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

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

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100 percent eligibility tier federally, is eligible for tuition and fees. The monetary award is equal to the difference between the portion

of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill specifies that the amount awarded by the state is not to be determined until after federal benefits are applied.

Each educational institution included in this bill must annually report to the Board of Governors of the State University System and the State Board of Education, as appropriate, the number and value of all fee waivers granted.

The bill provides that a disabled veteran who receives this award must remain in compliance with other statutory requirements applying to veterans and other students who receive educational benefits.

II. Present Situation:

Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3313)

Congress enacted the Post-9/11 Veterans' Educational Assistance Act (Act) of 2008, also known as the Post-9/11 GI Bill (GI Bill), which took effect August 1, 2009.¹ The Act provides up to 36 months of educational benefits at a program of education to veterans and servicemembers and their dependent children.²

At the time of its passage:

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

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

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

A qualifying veteran or servicemember may transfer the education benefits to a dependent child.⁵

¹ Pub. L. No. 110-252, 122 STAT. 2323. The GI Bill has since been amended by the Post-9/11 Veterans Assistance Improvements Act of 2010.

² In addition to tuition and fees, educational benefits include payment for housing, books, supplies, and other education-related expenditures.

³ Cassandra Dortch, Congressional Research Service, *The Post-9/11 GI Bill: A Primer (Updated Sept. 23, 2021)*, pg. 1; available at <https://fas.org/sgp/crs/misc/R42755.pdf> (Last visited Dec. 9, 2021). At that time, members of Congress hoped that a benefit exceeding amounts available under the other GI Bills would mitigate the higher unemployment rate amongst veterans in contrast to non-veterans of the same age group.

⁴ U.S. Dept. of Veterans Affairs, *Post-9/11 GI Bill (Chapter 33)*, available at <https://www.va.gov/education/about-gi-bill-benefits/post-9-11/> (last visited Dec. 9, 2021).

⁵ *Id.*

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

The percentage of maximum benefits payable under the GI Bill varies and is primarily based on an individual's aggregate length of active duty service. Duration of service as it relates to the maximum benefit payable by percentage currently includes⁷:

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

Amendments to the Post-9/11 Veterans Educational Assistance Act of 2008

Since it was enacted, the Post-9/11 Veterans Educational Assistance Act of 2008 has been amended multiple times. Two of these amending acts are detailed below.

Post-9/11 Veterans Educational Assistance Improvements Act of 2010

The Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Act) amended the Post-9/11 Veterans Educational Assistance Act of 2008 to, among the following:

- Revise the method used by an institution to report the net cost of tuition and fees;
- Expand the definition of “active duty” to include certain servicemembers;
- Expand applicability to include certain dependents and spouses;
- Expand payment of tuition and fees for programs other than degreed programs, including those pursued on a half-time basis or less, resident training, distance learning, apprenticeships or other on-the-job training, flight training, or correspondence.⁸

Forever GI Bill Stem Extension

Congress passed the Forever GI Bill Stem Extension Act (Act)⁹, effective from August 1, 2019, to encourage veterans to pursue fields that typically require greater than the 36 months of benefits provided under the Post-9/11 GI Bill.¹⁰ The Act provides an extension of benefits for a veteran pursuing an educational degree in science, technology, engineering, or math. This

⁶ Dortch, *supra* note 3, at 1.

⁷ Section 3313(c), 122 STAT. 2365; Dortch, *supra* note 3, at 13-14.

⁸ Pub. L. No. 111-377 (Jan. 4, 2011).

⁹ Pub. L. No. 115-48. The Act is also known as the Edith Nourse Rogers STEM Scholarship, or the Rogers Scholarship.

¹⁰ U.S. Department of Veterans Affairs, *Edith Nourse Rogers STEM Scholarship*, available at <https://www.va.gov/education/other-va-education-benefits/stem-scholarship/> (last visited Dec. 10, 2021).

extension will pay up to 9 months of additional benefits, or up to a maximum lump sum of \$30,000.¹¹

Disabled Veterans in Florida

The population of veterans in Florida with a 100 percent disability rating is numbered at 55,440 veterans, as of the latest data from 2019. Counties with the highest population of these veterans are Brevard (2,665), Broward (2,897), Duval (2,900), Hillsborough (4,702), Miami-Dade (2,895), Orange (3,101), and Pinellas (3,012).¹²

Residency

Section 1009.21, F.S., defines as a resident, for determination of in-state tuition, a person who has maintained his or her residence in the state for the preceding year, has purchased a home occupied as a residence, or has established domicile in the state.¹³ To prove domicile, a person must file a sworn statement with the clerk of the circuit court attesting that either he or she resides in and maintains a place of abode in the county intending to maintain it as a permanent home, or that he or she has established a domicile in the state but maintains at least an additional abode out-of-state; that the place of abode in the state constitutes the predominant and principal home; and that he or she intends to continue it permanently.¹⁴ The sworn statement establishing domicile must include a statement that the person is a bona fide resident of the state, along with the address of residence, prior residence, and the place or places where he or she maintains another abode.¹⁵

III. Effect of Proposed Changes:

CS/SB 554 provides an education benefit to certain veterans who are residents and enrolled in a program of education approved by the federal educational assistance program, pursuant to 38 U.S.C. 3313. The bill would increase what is provided in federal law for educational benefits to achieve a 100 percent award for tuition and fees. To qualify, the veteran must have been:

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

¹¹ *Id.* Qualifying degree programs are agriculture science or natural resources science; biological or biomedical science; computer and information science and support services; engineering, engineering technologies, or an engineering-related field; health care or a health-care related field; mathematics or statistics; undergraduate medical residency; physical science; and science technologies or technicians. U.S. Department of Veterans Affairs, *supra* note 8, at 2.

¹² Department of Veterans Affairs, *2021 Agency Legislative Bill Analysis, SB 554* (Dec. 9, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

¹³ Section 1009.21(1)(d), F.S.

¹⁴ Section 222.17(1) and (2), F.S.

¹⁵ Section 222.17(3), F.S.

disability rating of 100 percent and receives disability retirement pay from a branch of the United States Armed Forces.

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, but who does not qualify for the 100 percent eligibility tier federally, is eligible for an award of tuition and fees. The award is equal to the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill specifies that the amount awarded by the state is not to be determined until after federal benefits are applied.

Each educational institution included in this bill must report annually to the Board of Governors of the State University System and the State Board of Education, as appropriate, the number and value of all fee waivers granted.

The bill requires the Board of Governors and the State Board of Education to, as appropriate, adopt regulations and rules to administer these provisions.

A disabled veteran who receives this award must remain in compliance with other statutory requirements applying to veterans and other students who receive educational benefits.¹⁶

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹⁶ Section 295.03, F.S., requires the withdrawal of benefits for a veteran who violates the ordinary and minimum requirements of the institution on discipline and scholarship. Section 295.04(4), F.S., requires a veteran to be in good standing with the institution to receive an educational benefit. Section 295.05, F.S., requires a veteran receiving benefits to be enrolled according to the customary rules and requirements of the institution. Section 1009.40, F.S. provides general requirements for a student (veteran or nonveteran) to be eligible for state financial aid and tuition assistance grants.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

The Department of Education provides that public postsecondary institutions are expected to incur an increase in expenditures which will be the difference between the Post-9/11 GI benefits and full tuition and fee charges.¹⁷

Specifically, the expenditure is estimated to cost \$.1 million (\$100,000) in cash and recurring dollars starting in Fiscal Year 2022-2023.¹⁸

A cost may also result from public postsecondary institutions having to adjust their process for applicants and include this waiver in financial aid packages. These costs would be absorbed by each institution.¹⁹

The Department of Education expects a technological impact to the agency due to having to compile and maintain a record of eligible veterans for purposes of the reporting requirement. Any impact would be absorbed by the agency.²⁰

The Department of Veterans Affairs expects a minimal fiscal impact based on the new requirement of the department having to certify a veteran as 100-percent disabled.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁷ Dep't of Education, *2022 Legislative Bill Analysis*, July 1, 2022 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁸ Office of Economic and Demographic Research, *2022 Regular Session Revenue Estimating Conference, Impact Conference Results* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹⁹ Dep't of Education, *supra* note 17.

²⁰ *Id.*

²¹ Dep't of Veterans Affairs, *supra* note 11 at 3.

VIII. Statutes Affected:

This bill creates section 295.011 of the Florida Statutes.

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on January 11, 2022:

The CS:

- Replaces the term “Post-9/11 Veterans Educational Assistance Act” with “38 U.S.C. 3313” to incorporate changes to federal law, as it is amended;
- Specifies that the veteran must be participating in a program of education approved under the federal educational assistance program; and
- Requires that the federal payment be applied before the state cost is determined, to prevent a partial payment of tuition and fees by the state.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2022	.	
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	.	
	.	

The Committee on Military and Veterans Affairs, Space, and Domestic Security (Cruz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 33 - 43
and insert:
veteran enrolled in a program of education approved for
educational assistance under 38 U.S.C. 3313, at a state
university, a Florida College System institution, a career
center operated by a school district under s. 1001.44, or a
charter technical career center who does not qualify for the 100
percent eligibility tier under federal law is eligible to



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receive a waiver for tuition and fees. The waiver amount is
equal to the difference between the portion of tuition and fees
paid in accordance with federal law and the full amount of
tuition and fees at the institution attended. The amount awarded
by the state is not to be determined until after the application
of federal benefits under 38 U.S.C. 3313.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

 Delete line 8

and insert:

 institutions; providing a calculation for waiver
 amounts; requiring the amount awarded by the state to
 be contingent on the application of specified federal
 benefits; requiring certain institutions to submit

By Senator Cruz

18-00072-22

2022554__

A bill to be entitled

An act relating to educational opportunities for disabled veterans; creating s. 295.011, F.S.; defining the term "disabled veteran"; providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive a waiver for the remaining cost of tuition and fees at certain institutions; requiring certain institutions to submit an annual report to the Board of Governors and the State Board of Education; requiring the boards to respectively adopt regulations and rules; specifying applicability of other laws; providing an effective date.

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

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

295.011 Disabled veterans; education.—

(1) As used in this section, the term "disabled veteran" means an individual who is a resident of this state pursuant to s. 1009.21 and is:

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

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

Page 1 of 2

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

18-00072-22

2022554__

(c) Issued a valid identification card by the Florida Department of Veterans' Affairs pursuant to s. 295.17.

(2) Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university, a Florida College System institution, a career center operated by a school district under s. 1001.44, or a charter technical career center under the Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L. No. 110-252, but who does not qualify for the 100 percent eligibility tier under federal law, is eligible to receive a waiver for tuition and fees which is equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.

(a) Each state university, Florida College System institution, career center operated by a school district under s. 1001.44, and charter technical career center shall report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under this subsection.

(b) The Board of Governors and the State Board of Education shall respectively adopt regulations and rules to administer this subsection.

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

Section 2. This act shall take effect July 1, 2022.

Page 2 of 2

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



The Florida Senate

Committee Agenda Request

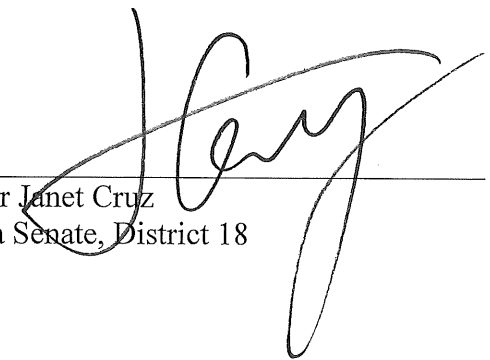
To: Senator Tom Wright, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: November 15, 2021

I respectfully request that **Senate Bill # 554**, relating to Educational Opportunities for Disabled Veterans, be placed on the:

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



Senator Janet Cruz
Florida Senate, District 18



2022 AGENCY LEGISLATIVE BILL ANALYSIS

Florida Department of Education

BILL INFORMATION

BILL NUMBER:	House Bill 45
BILL TITLE:	Educational Opportunities for Disabled Veterans
BILL SPONSOR:	Representatives Benjamin and Morales
EFFECTIVE DATE:	July 1, 2022

COMMITTEES OF REFERENCE

1) Local Administration & Veterans Affairs Subcommittee
2) Post-Secondary Education & Lifelong Learning Subcommittee
3) Higher Education Appropriations Subcommittee
4) State Affairs Committee
5)

CURRENT COMMITTEE

Post-Secondary Education & Lifelong Learning Subcommittee

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	HB 1347 SB 782
SPONSOR:	Representatives Benjamin and Morales Senator Cruz
YEAR:	2021 2021
LAST ACTION:	Died in Appropriations Died in Appropriations Subcommittee on Education

IDENTICAL BILLS

BILL NUMBER:	Senate Bill 554
SPONSOR:	Senator Cruz

Is this bill part of an agency package?

No.

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	10/18/2021
LEAD AGENCY ANALYST:	Alexandra Valdes, Legislative Policy Analyst, Florida College System
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	Amanda W. Gay, Assistant General Counsel
FISCAL ANALYST:	Suzanne Pridgeon, Deputy Commissioner, Finance and Operations

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Section 1. Creates section 295.011, F.S., to:

- Define a “disabled veteran” in this section as an individual who is a resident of this state pursuant to s. 1009.21, F.S., and is either determined to have a service-connected 100 percent total and permanent disability rating for compensation, determined to have a service-connected 100 percent total and permanent disability rating while in receipt of disability retirement pay from any branch of the United States Armed Services, or been issued a valid identification card by the Department of Veterans' Affairs in accordance with s. 295.17, F.S.
- Authorize eligible disabled veterans as those who receive a tuition benefit under the Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L. No. 110-252, but who do not qualify for the 100-percent eligibility tier under federal law, and attend a state university, a Florida College System (FCS) institution, a career center operated by a school district under s. 1001.44, F.S., or a charter technical career center.
- Allow a disabled veteran to be eligible to receive a waiver beginning with the 2022-23 academic year for tuition and fees equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.
- Require certain institutions to submit an annual report to the Board of Governors and the State Board of Education stating the number and value of all fee waivers granted.
- Require the Board of Governors and the State Board of Education to adopt regulations and rules.
- Provide that s. 295.03, F.S., s. 295.04, F.S., s. 295.05, F.S., and s. 1009.40, F.S., will be applicable to any disabled veteran who receives an award under this subsection.

Section 2. Provides an effective date of July 1, 2022.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Section 1.

Currently, Florida waives out-of-state tuition fees for all honorably discharged veterans through a tuition waiver program per s. 1009.26(8), F.S.

The Post 9/11 Veterans Educational Assistance Act of 2008 (Post 9/11 GI Bill) provides education benefits for up to 36 months (four academic years) of tuition benefits for approved programs for individuals who have service-connected disabilities and meet certain requirements. Disabled veterans may not be eligible to receive the maximum benefit payable under the Post 9/11 GI Bill.

The State of Florida provides the following tuition waivers for veterans:

- Congressman C.W. Bill Young Tuition Waiver Program, which waives out-of-state fees for honorably discharged veterans residing in Florida.
- Purple Heart Recipient Waiver, which waives tuition and fees for veterans who have received a purple heart or a combat decoration that is “superior in precedence.”

The state also provides many other opportunities for veterans and their families.

Currently, there is no state-provided education benefit to supplement the cost of tuition and fees for veterans who do not receive the maximum benefit payable under the Post 9/11 GI Bill. Florida Statutes do not currently address “educational opportunities” for disabled veterans.

2. EFFECT OF THE BILL:

Section 1.

This bill creates s. 295.011, F.S., to supplement what is provided to a recipient through the federal Post 9/11 GI Bill to reach a 100 percent payment of tuition and fees, starting with the 2022-23 academic year.

If a disabled veteran receives a tuition benefit from the Post 9/11 GI Bill, but does not qualify for 100 percent eligibility under federal law, the individual will be eligible for an award for the difference between what was received and the full amount of tuition and fees at the institution. The bill does not address other types of financial aid that students may receive, such as state and federal scholarships or grant aid.

The bill defines the term "disabled veteran" as determined by the U.S. Department of Veteran Affairs (VA) and clarifies that the individual must be a resident of this state, and:

- Has a service-connected, 100 percent total and permanent disability rating for compensation;
- Has been determined to have a service-connected total and a permanent disability rating of 100 percent and is in receipt of disability retirement pay from any of the United States Armed Services branches; or
- Obtained a valid identification card by the VA, as stated in s. 295.17, F.S.

This bill also provides that, "service-connected", as determined by U.S. Department of Veteran Affairs, means the disability was a result of disease or injury incurred or aggravated during active military service. These disabilities are evaluated according to the VA Schedule for Rating Disabilities in Title 38, U.S. Code of Federal Regulations, Part 4. Additionally, disability ratings are graduated based on the degree of the veteran's disability on a scale of 0 to 100 percent.

A veteran receiving this award must remain compliant with the statutory requirements (ss. 295.03, 295.04, 295.05, and 1009.40, F.S.), which apply to veterans and other students receiving educational benefits in this section.

For documentation, state Universities, FCS institutions, career centers operated by school districts under s. 1001.44, F.S., and charter technical career centers, should provide annual reports to the Board of Governors and the State Board of Education with the number and value of all fee waivers granted. The boards shall each adopt regulations and rules to administer the tuition benefit.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	The bill requires the State Board of Education and Board of Governors to adopt regulations and rules, respectively.
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	6A-14.0305, F.A.C.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y ☐ N ☒

If yes, provide a description:	State universities, FCS institutions, career centers operated by school district under s. 1001.44, F.S., and charter technical career centers, shall provide annual reports to the Board of Governors and the State Board of Education with the number and value of all fee waivers granted.
Date Due:	A date is not specified; however, the report is due on an annual basis.

Bill Section Number(s):	Section 1
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6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. FISCAL IMPACT TO LOCAL GOVERNMENT

Y ☒ N ☐

Revenues:	N/A.
Expenditures:	<p>Public postsecondary institutions are expected to experience an increase in expenditures by covering the difference between the Post 9/11 GI Bill benefits and the full tuition and fee charges. The number of disabled veterans who would be eligible for the tuition benefit that are planning to attend an eligible public postsecondary institution is unknown at this time, therefore, the differential between federal assistance available to the veteran and the tuition and fees at the institutions when admission is sought is indeterminable at this time.</p> <p>However, according to Economic & Demographic Research (EDR), it was assumed that there would be a 25% increase to estimated counts starting in FY 2022-23. Additionally, EDR estimated the bill would pay 30% of tuition and fees, which is the difference between the full tuition and fees for a student at an institution and the assumed 70% awarded under federal law.</p> <p>Public postsecondary institutions would need to adjust their processes for applicants and applying this waiver to a student's financial aid package. The cost associated with technical changes would be absorbed by each eligible public postsecondary institution.</p> <p>For the 2020-21 academic year, the average resident tuition and fees per credit hour was \$106.84 at a state college institution, \$201.01 average per credit hour at a state university institution, and \$2.33 per contact hour for a career center operated by a school district.</p> <p>Currently waiver information is not collected on disabled veterans, therefore, the process would need to be updated to capture tuition and fee waivers. See Technology Impact.</p>

Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. FISCAL IMPACT TO STATE GOVERNMENTY ☒ N ☐

Revenues:	
Expenditures:	The Florida Department of Education would potentially need to adjust processes for tracking the data associated with this waiver. This indeterminable cost would be administered by existing staff. See Technology Impact.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	

3. FISCAL IMPACT TO THE PRIVATE SECTORY ☒ N ☐

Revenues:	
Expenditures:	
Other:	Enrolled disabled veterans who are not 100 percent eligible under federal law would have an increase in revenues for the portion of tuition and fees that equates to the difference paid in accordance with federal law and the full amount of tuition and fees at the institution.

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT**1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?**Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.	Each eligible public postsecondary institution, including the State University System and the Division of Florida Colleges, may be required to create data elements in the college's student information systems in order to identify eligible veterans and report those receiving the waiver. The cost of completing technology updates are indeterminable and are expected to be absorbed within current budget.
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS

Adding a definition for “tuition benefit” referenced in line 32 would be beneficial.

The bill does not mention other types of financial aid that students may receive, specifically state and federal scholarships or grant aid.

LEGAL - GENERAL COUNSEL’S OFFICE REVIEW

Issues/concerns/comments:

The bill attempts to provide the difference between the amount of education benefits a disabled veteran (defined as service-connected 100% total disability) is eligible for under the Post-9/11 GI Bill and the amount of tuition and fees at the institution attended. However, the Post-9/11 GI Bill provides **100%** of in-state tuition and fees, a monthly housing stipend, and \$1000 for books, supplies, etc. to an individual who served at least 30 days and was discharged based on a service-connected disability (among other eligibility categories). See 38 U.S.C. §§ 3311, 3313.

Because a “disabled veteran,” as defined by the bill, would receive 100% of in-state tuition under the Post-9/11 GI Bill, it seems unlikely that any disabled veterans would qualify for the benefits in this bill, as written.

If the intent is to help veterans to cover the gap between federal benefits and the cost of tuition and fees, the definitions/eligibility requirements will likely need to be revised.

See the table below summarizing the tiered system of benefits and additional information in links below:

<https://www.va.gov/resources/how-we-determine-your-percentage-of-post-911-gi-bill-benefits/>
<https://www.va.gov/resources/how-we-determine-your-post-911-gi-bill-coverage/>
<https://www.va.gov/gi-bill-comparison-tool/>

Summary Chart – Post-9/11 GI Bill	
Amount of Award	Eligibility Criteria
100% of in-state tuition and fees, monthly housing stipend, and 1k stipend for books, supplies., etc.	<ul style="list-style-type: none"> If the individual serves at least 36 months on active duty and either continues on active duty or is honorably discharged (some other parameters) OR Serves at least 30 continuous days and is discharged or released for a service-connected disability
90% of above	<ul style="list-style-type: none"> Serves between 30 and 36 months and continues on active duty for an aggregate of

		less than 36 months or is honorably discharged (some other parameters)
	80% of above	<ul style="list-style-type: none"> Serves between 24 and 30 months and continues on active duty for an aggregate of less than 30 months or is honorably discharged (some other parameters)
	70% of above	<ul style="list-style-type: none"> Serves between 18 and 24 months and continues on active duty for an aggregate of less than 24 months or is honorably discharged (some other parameters)
	60% of above	<ul style="list-style-type: none"> Serves between 12 and 18 months and continues on active duty for an aggregate of less than 18 months or is honorably discharged (some other parameters)
	50% of above	<ul style="list-style-type: none"> Serves between 6 and 12 months and continues on active duty for an aggregate of less than 12 months or is honorably discharged (some other parameters)
	40% of above	<ul style="list-style-type: none"> Serves between 90 days and 6 months and continues on active duty for an aggregate of less than 6 months or is honorably discharged (some other parameters)

Amanda W. Gay
Legal Analyst Signature

12/13/2021
Date

APPROVALS

Alexandra Valdes
Lead Program Policy Analyst

10/18/2021
Date

850-245-0448
Phone Number

Kathy Hebda
Chancellor/Director/Direct Report

10/18/2021
Date

Suzanne Pridgeon
Fiscal Analyst

12/9/2021
Date

Alexis Calatayud
Governmental Relations

12/20/2021
Date



2021 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Veterans Affairs

BILL INFORMATION

BILL NUMBER:	<u>SB0554</u>
BILL TITLE:	<u>Educational Opportunities for Veterans</u>
BILL SPONSOR:	<u>Cruz</u>
EFFECTIVE DATE:	<u>1 July 2022</u>

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs, Space, and Domestic Security
2) Appropriations Subcommittee on Education
3) Appropriations
4)
5)

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

CURRENT COMMITTEE

Military and Veterans Affairs, Space, and Domestic Security

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB045
SPONSOR:	Morales

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	9 December 2021
LEAD AGENCY ANALYST:	Roy Clark

ADDITIONAL ANALYST(S):	Christian Cochran
LEGAL ANALYST:	Chuck Faircloth
FISCAL ANALYST:	

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Providing that disabled veterans receiving certain federal educational assistance benefits are eligible to receive an award for the remaining cost of tuition and fees at state universities and Florida College System institutions

2. SUBSTANTIVE BILL ANALYSIS

1. **PRESENT SITUATION:**

There are presently 55,440- 100% rated disabled veterans in the State of Florida. The counties with the highest population of these veterans: Brevard- 2,665, Broward- 2897, Duval-2,900, Hillsborough-4,702, Miami-Dade- 2,895, Orange-3,101, and Pinellas 3,012.

"Source: Department of Veterans Affairs, Office of Enterprise Integration, United States Veterans Eligibility Trends & Statistics (USVETS) 2019

2. **EFFECT OF THE BILL:**

Beginning with the 2022-2023 academic year, a disabled veteran who receives a tuition benefit to attend a state university or a Florida College System institution under the Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L. No. 110-252, but who does not qualify for the 100-percent eligibility tier under federal law, is eligible for an award for tuition and fees which is equal to the amount that is the difference between the portion of tuition and fees paid in accordance with federal law and the full amount of tuition and fees at the institution attended.

It is currently unknown how many of these veterans would qualify under this program who do not already meet the standards of 100% and receive all of their federal benefits under current Post 9/11. Additionally, the agency is unable to ascertain how many of the veterans who qualify would be interested in attending a postsecondary institution in Florida.

3. **DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. **WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	
Opponents and summary of position:	No opposition noted

5. **ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?**

Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	
Expenditures:	Minimal fiscal impact to agency. Certifying official with FDVA and/or respective institutions will certify the veteran is 100% Disabled veteran. Costs will vary between veterans as the cost of difference between federal benefits and cost of tuition. Under current bill, there is nothing to state where funding will come from to make up difference. If similar to the Children and Spouses of Deceased and Disabled Veterans, an amount would need to be determined reimburse colleges and universities.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y ☐ N ☒

Revenues:	None
-----------	------

Expenditures:	None
Other:	

4. **DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?** Y ☐ N ☒

If yes, explain impact.	No
Bill Section Number:	No

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

None

FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y ☒ N ☐

If yes, describe the anticipated impact including any fiscal impact.

This bill will heavily rely on the USDVA. Additionally, VA is established as the last payer and will only pay the net tuition and fees, after all other payments.

ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

The bill's language should be reviewed to insure conformity with the updated federal law, as codified in the United States Code. The bill is legally sound. However, the intergovernmental nature of this legislation and the federal funding process may lead to further legal issues. The USDVA is the payer of last resort.

January 11, 2022

Meeting Date

Military & Veteran Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

554

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dan Hendrickson, Tall. Vet.Legal Collaborative Phone 850/ 570-1967

Address 319 Park Ave Email danbhendrickson@comcast.net
Street

Tallahassee FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1/11/2022

Meeting Date

Military and Veterans Affairs, Space, and Domestic Security

Committee

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

554

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Elizabeth Berglin

Phone

305-646-7093

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3250 Southwest Third Ave

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Miami

City

Florida

State

33129

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

United Way Miami

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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1-11-2022

Meeting Date

554

Bill Number or Topic

Committee

Name

Rick Owen

Phone

850-488-8276

Address

307 E. 7th Ave

Email

Rick@UWF.org

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

United Way of Florida

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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 562

INTRODUCER: Senator Cruz

SUBJECT: Military Occupational Licensure

DATE: January 11, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Lloyd	Caldwell	MS	Favorable
2. _____	_____	RI	_____
3. _____	_____	AP	_____

I. Summary:

SB 562 requires the Departments of Business and Professional Regulation (DBPR) and Health (DOH) to expedite the processing of professional and occupational licenses for the spouse of an active duty member of the Armed Forces and to waive application and renewal fees for those same licenses under certain circumstances. The departments shall also issue a temporary professional license which is valid while the applications are under review once specified application information has been verified.

SB 562 will have an indeterminate negative fiscal impact on the DPBR and DOH as fewer licensing fees will be collected. Additionally, modifications will be required to the licensing systems which currently process applications. According to DBPR, systems modifications may be absorbed through existing technology resources.

The effective date of the bill is July 1, 2022.

II. Present Situation:

More than 1.5 million veterans reside in Florida, the third highest veteran population in the nation behind California and Texas.¹ To encourage more members of the military to make Florida their place of permanent residency, Florida offers employment and career opportunities through expedited professional licensing processes and initial and renewal fee waivers for active duty, veterans, and spouses.

¹ Florida Department of Veterans Affairs, *Florida Veteran Population 2020* (citing United States Department of Veterans Affairs, September 30, 2020) (last visited December 7, 2021).

The Department of Business and Professional Regulation

The Department of Business and Professional Regulation (DBPR) through several divisions, regulates and licenses various businesses and professions in Florida.² The Division of Professions is responsible for the licensing of over 490,000 professionals³ and has authority over the following boards and programs:

- Board of Architecture and Design;
- Board of Auctioneers;
- Barbers' Board;
- Building Code Administrators and Inspectors Board;
- Board of Cosmetology;
- Electrical Contractors' Licensing Board;
- Board of Employees Leasing Companies;
- Board of Landscape Architecture;
- Board of Pilot Commissioners;
- Board of Professional Geologists;
- Board of Veterinary Medicine;
- Home Inspection Services Licensing programs;
- Mold related services licensing programs;
- Florida Board of Professional Engineers;
- Board of Accountancy;
- Florida Real Estate Commission; and
- Florida Real Estate Appraisal Board.⁴

The DBPR regulates each of these professions in accordance with their respective practice acts and each of the professionals must generally hold an appropriate license to act as or hold themselves out as a professional in the respective field. Applicants for licensure for each profession must meet specified statutory requirements, including minimum education or experience requirements, and must pay all applicable licensing fees. Licensees who wish to renew their licenses must pay a license renewal fee⁵ and may also be subject to continuing education requirements⁶ and other conditions of the various practice acts.

Any member of the United States Armed Forces who is in good standing with any of the professional boards listed in s. 20.165, F.S., and was entitled to practice his or her profession in the state, remains in good standing while on active duty without registering, paying dues or fees, or performing any other action while on active duty and for two years after discharge from active duty.⁷ However, if that active member is engaged in his or her profession while on active duty in the private sector for profit and for up to two years following discharge from active duty, the

² Section 20.165, F.S.

³ Department of Business and Professional Regulation, *Division of Professions*, <http://www.myfloridalicense.com/DBPR/division-of-professions/#1500650855771-cf8874e2-e2d1> (last visited December 7, 2021).

⁴ Section 20.165, F.S.

⁵ Section 455.203, F.S.

⁶ Section 455.2123, F.S.

⁷ Section 455.02(1), F.S.

member is required to complete all of the license renewal requirements except for the payment of the license renewal fee which is waived.⁸

Current law also provides for a two-year waiver of the licensure renewal fee and maintenance of licensee's good standing with his or her professional board by the DBPR when the spouse is married to a member on active duty and because of that status, the spouse has been away from the state. This two-year waiver licensure renewal fee option and the ability to continue the license in good standing is also available to the surviving spouse of a member who, at the time of the service member's death, was on active duty.⁹ To trigger the former spouse provision, the spouse's death must have occurred within the past two years.¹⁰

Current law requires the DBPR to issue a professional license to an applicant who can meet the following requirements:

- Show is an active member of the Armed Forces of the United States currently or is or was married to someone while he or she was an active member and that member was honorably discharged;
- Provides evidence of a valid professional license issued from another state, a United States territory or possession, the District of Columbia, or a foreign jurisdiction;
- Shows proof of compliance with insurance and bonding requirements for the license; and;
- Submits a complete set of fingerprints for a statewide criminal background check to the Florida Department of Law Enforcement and to the Federal Bureau of Investigation for a national criminal background check for a Level 2 background check.¹¹

The applicant is responsible for the costs associated with the fingerprint screening.¹²

Florida Veterans Application for Licensure Online Response System (VALOR)

Veterans or the spouses of an active duty military veteran who seek to work as a health care professional may currently be eligible for expedited licensure processing through the Division of Medical Quality Assurance (DMQA) which has general regulatory authority over health care practitioners in Florida.¹³ The average time to issue a license to a health care professional in Florida in 2020 was 50 days.¹⁴

⁸ Section 455.02(1), F.S.

⁹ Section 455.02(2), F.S.

¹⁰ Section 455.02(2), F.S.

¹¹ Section 455.02(3)(a)-(c), F.S.

¹² Section 455.02(3)(c), F.S.

¹³ Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dietitians, athletic trainers, midwives, orthotics, prosthetics, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

¹⁴ Florida Department of Health, *Division of Medical Quality Assurance Strategic Plan (2016-2021 Extension)* <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/DMQA-2016-2021-Strategic-Plan.pdf>, p.4, (last visited December 9, 2021).

The DMQA is located within Florida's DOH and works with 22 regulatory boards and four councils to license and regulate 10 types of health care facilities and more than 400 licenses in over 40 health care professions.¹⁵ Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the DMQA.

Honorably discharged veterans and their spouses seeking licensure through one of these health care professions are offered the opportunity to apply through an expedited online process and currently receive a waiver of most licensing fees. Known as the Florida Veterans Application for Licensure Online Response (VALOR) process, a veteran or his or her spouse must apply for one of the healthcare practitioner licenses within six months before or after his or her or his or her spouse's honorable discharge from the United States Armed Forces to qualify for this expedited process.¹⁶

During state Fiscal Year 2020-2021, 352 new military veterans and spouses were licensed through VALOR, a 7.65 percent increase over the prior fiscal year.¹⁷ These additional licensees joined a total of 2,392 licensed military health care practitioners in the state for 2020-2021 with the majority of those licensees issued in nursing (607 licensees), followed by massage therapists (168 licensees), and emergency medical technicians and licensed practical nurses (160 licensees each).¹⁸

Temporary Certificate for Active Duty Military Health Care Practitioners

For active duty military who are also health care practitioners, Florida offers a temporary certificate for those who practice pursuant to a military platform¹⁹ and who hold an active, unencumbered, medical license in a United States jurisdiction or serve as a military health care practitioner in a profession for which licensure is not required to practice in the United States Armed Forces.²⁰ To qualify for a temporary certificate, an active duty member must:

- Hold a valid license as a health care professional in another state, the District of Columbia, or any possession or territory of the United States; and,
- Hold a license that is valid for six months, but is renewable with proof of continuing military orders for active duty assignment and evidence of continuation as a military platform participant.

Military Veteran and Spouse Fee Waivers

Applying through the VALOR licensing system can also provide veterans and their spouses a 60 month window of opportunity to apply for the additional waiver of renewal licensing application

¹⁵ Florida Department of Health, *Annual Report and Long Range Plan*, p. 6, <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html> (last visited December 7, 2021).

¹⁶ Florida Department of Health, *Licensing for Military Members and Spouses* (last visited December 7, 2021).

¹⁷ Florida Department of Health, *Florida Veteran Health Heroes* (November 2021), p. 11, see <https://flhealthsource.gov/valor#Home> (last visited December 7, 2021).

¹⁸ Florida Department of Health, *Annual Report and Long Range Plan, Table 1-Summary of Licensed Practitioners*, pp. 16-22, <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/index.html> (last visited December 7, 2021).

¹⁹ A military platform is a military training agreement with a non-military health care provider that allows active-duty health care practitioners the opportunity to treat patients admitted to non-military facilities while also allowing them to develop and maintain the technical skills necessary to meet present and future health care needs of the United States Armed Forces.

²⁰ Florida Department of Health, *Licensing for Military Members and Spouses* (last visited December 7, 2021).

fees, unlicensed activity fees, and renewal fees after an honorable discharge from active duty.^{21,22} Any examination fees related to the license or practice act and background screening fees through the Florida Department of Law Enforcement are not waived.

As the spouse of an active duty military member²³ or a military veteran, the spouse could be eligible for a waiver of the initial application fees and licensure fees.²⁴ To qualify currently for the fee waivers, the veteran or the veteran's spouse's application must be submitted within a 60 month submission window meaning the application must be submitted within 60 months after his/ or her spouse's honorable discharge from any branch of the United States Armed Forces. The current fee waiver provision includes waiver of the initial application fee, the initial licensure fee, and the initial unlicensed activity fee.

The spouse must pay the examination fee and any background screening fees that may be required. Examination fees vary by practice type²⁵ and the current fee from FDLE varies from \$24 (state fee only) to \$37.25 (state and federal).²⁶

Other Opportunities for Military Spouses

Temporary Licensure for Military Spouses

The active duty member's spouse may be eligible to receive a temporary license. A temporary license allows the spouse to work as a health care professional while the spouse is assigned to a duty station in Florida.²⁷ A temporary license is valid only for one year²⁸ and is subject to both a state and national background check at the applicant's expense.²⁹

A temporary license may be awarded if the spouse submits:

- A completed application;
- The required application fee;
- Proof of marriage to a member of the United States Armed Forces who is on active duty;
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, or a possession or territory of the United States, and is not the subject of any disciplinary proceeding in any jurisdiction in which the applicant holds a license to practice a profession regulated by ch. 456, F.S.;

²¹ Florida Department of Health, *Licensing for Military Members and Spouses* (last visited December 7, 2021).

²² Section 456.024(3)(b), F.S.

²³ Active duty, full time member of the United States military is defined at 10 U.S.C. § 101 (d)(1), and includes the United States Army, Navy, Air Force, Marine Corps, Space Force, and Coast Guard.

²⁴ Section 456.024(4), F.S.

²⁵ For example, the initial application fee for licensure as a medical doctor by examination is \$200.00 for residents and \$350.00 for non-residents; however, the application includes fees for unlicensed activities (\$5.00), NICA Participating Fees (\$5,000) or non-Participating NICA fee (\$250.00) and an optional dispensing fee (\$100.00), for a potential total maximum application fee of \$5,075 for a physician. See Florida Board of Medicine, *Medical Doctor Application for Licensure*, <https://flboardofmedicine.gov/apps/medical-doctor-app.pdf> (last visited December 9, 2021).

²⁶ Florida Department of Law Enforcement, http://www.fdle.state.fl.us/Criminal-History-Records/Documents/Criminal-History-Fee-Chart_January2019.aspx (last visited December 7, 2021).

²⁷ Section 456.024(4)(a), F.S.

²⁸ Section 453.024(4)(f), F.S.

²⁹ Section 456.024(4)(b) and (d), F.S.

- Proof that the applicant's spouse is assigned to a duty station in this state pursuant to a member's official active duty military orders; and
- Proof that the applicant would be otherwise entitled to full licensure under the appropriate practice act, and is eligible to take the respective licensure examination as required in Florida.³⁰

Current law allows for an applicant to be found ineligible for a temporary license if the applicant has:

- Been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Has had a health care license revoked or suspended from another state or jurisdiction of the United States, the District of Columbia, or a United States territory;
- Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have name removed; and
- Has previously failed the Florida examination required to receive a license to practice the profession for which the applicant seeks a license.³¹

III. Effect of Proposed Changes:

Section 1 amends s. 455.02, F.S.; requires the DBPR, the applicable board, or program to expedite applications submitted by a spouse of an active duty member of the Armed Forces of the United States.

While the application processes, the DBPR would be required to issue a temporary professional license to the applicant after validation of the application information. The temporary license would be valid for the duration of the application review process.

The information to be validated includes:

- Confirmation that the applicant is married to or was married to a member of the Armed Forces of the United States during any period of active duty;
- The applicant holds a valid license from any other state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction; and,
- The applicant, when required by the practice act, has complied with any insurance or bonding requirements.

Section 2 amends s. 456.024, F.S.; requires the DOH or the administrative boards of the DOH to issue a professional license to the spouse of an active duty member of the Armed Forces rather than a temporary license when the applicant has submitted all of the required components for a completed application. The bill also waives the application licensure fee.

An applicant who receives a license under this subsection is permitted to renew the license, without limitation, under the applicant's applicable licensure practice act which includes the continuing education requirements.

³⁰ Section 456.024(4)(a)1-6, F.S.

³¹ Section 456.024(4)(h), F.S.

The bill requires the administrative boards of the DOH or the DOH if there is not a board, to expedite the processing of applications from spouses of active duty members of the Armed Forces. While processing, the bill directs the administrative board of the DOH and the DOH to issue a temporary license to an applicant once specified information on the application has been verified as accurate.³² The 12-month time limit on temporary licenses is eliminated.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Waiver of fees for certain populations reduces the total amount of funds that may ultimately be received by the trust funds administered by the professional boards. These administered funds are used to review applicants to, and then manage and regulate the licensees of the respective professions under each of the professional and health care licensing boards. By statute, the DBPR is authorized to establish fees which do not exceed the fee caps for individual professions on an annualized basis as authorized by law.³³ By rule, the DBPR must have a positive cash balance in each of its trust funds at

³² The information to be verified for issuance of temporary license is: 1) A completed application on a form prepared and furnished by the DOH in accordance with board rules; 2) Proof that the applicant is married to a member of the Armed forces of the United States who is on Active Duty; 3) Proof that the applicant holds a valid license for that profession from another state, the District of Columbia, or a possession or territory of the United States, and is not the subject of any disciplinary hearing in any jurisdiction where the applicant seeks to practice a profession regulated by chapter 456; and is not the subject of any disciplinary hearing where applicant holds a license to practice a health care profession; 4) Proof that applicant's spouse is assigned to a duty station in this state pursuant to the member's official active duty military orders; 5) Proof that the applicant would otherwise be entitled to full licensure under the appropriate practice act, and is eligible to take the respective licensure examination as required in Florida. *See* s. 456.024(4)(a), F.S.

³³ *See* Section 455.203, F.S.

the end of each fiscal year based on the DBPR's projections of revenue and expenditures of that profession's board for the next 24-month period.³⁴ Fees for the professions regulated within the DOH are established by the individual boards and must be sufficient to ensure that all costs to regulate the profession are covered by the licensees and licensure applicants, are sufficient to maintain a cash balance, and are also reasonable.³⁵

The bill waives application fees for certain types of professional licenses and fees currently collected by the DBPR and for health care professional fee licenses by the DOH and the administrative boards under the DMQA. The fee waiver result will have an unknown fiscal impact on the total fees that may be collected in the future by the DBPR and the applicable DOH.³⁶ In the 2020-2021 state fiscal year, 352 military veterans and spouses used the currently available exemptions across a range of health care professional licensure fees. Neither DBPR nor DOH have stated that additional fee waivers would endanger existing trust fund balances in the upcoming or near future fiscal years.

The DBPR also states that modifications will need to be made to its licensing operations systems to identify a military spouse on an application so that an application can be expedited for review and a temporary license issued. The DBPR states that these system modifications can be accomplished within existing resources.³⁷

B. Private Sector Impact:

Military veterans and their spouses will have additional opportunities to access professional licenses and health care professional licenses in Florida through expedited means and may be able to assist with filling critical employment needs, especially in high need employment areas or occupational fields. Waiver of licensure fees can serve as an incentive to attract those veterans who have been honorably discharged in Florida to remain in Florida or to choose Florida as their permanent residence. Private sector employers may benefit from a deeper pool of employees as a result of these changes and by the fact that these employees may have access to temporary licensure while awaiting the completion of the licensure process.

C. Government Sector Impact:

Government employers may see a similar impact as private sector employers as applications can be expedited for additional groups of professionals in the DBPR and DOH licensing systems. Waiver of these fees may bring more qualified veterans and their spouses to Florida for employment and help fill gaps in high need areas and occupations in the government sector. Filling employment gaps in the government sector can address efficiency and productivity in government while also ensuring that military personnel

³⁴ See Fla. Admin. Code R. 61-5.002 (1995).

³⁵ See s. 456.025(1), F.S.

³⁶ Department of Business and Professional Regulation, *Senate Bill 562 2022 Agency Legislative Bill Analysis* (Oct. 19, 2021) (On file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

³⁷ Department of Business and Professional Regulation, *Senate Bill 562, 2022 Agency Legislative Bill Analysis* (Oct. 19, 2021) (On file with the Committee on Military and Veterans Affairs, Space, and Domestic Security).

who have been honorably discharged and their spouses find gainful employment upon separation from the military.

VI. Technical Deficiencies:

The bill requires that applications for military spouses be expedited; however, the term “expedited” is not defined or explained.

VII. Related Issues:

To the extent that any profession would require an individual to also obtain a national certification or examination, this bill does not waive any fees or renewal costs related to national certifications or licensures.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 455.02 and 456.024.

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.

By Senator Cruz

18-00416-22

2022562__

1 A bill to be entitled
 2 An act relating to military occupational licensure;
 3 amending s. 455.02, F.S.; requiring the Department of
 4 Business and Professional Regulation or the applicable
 5 board or program to expedite professional license
 6 applications submitted by spouses of active duty
 7 members of the Armed Forces of the United States;
 8 requiring the department to issue temporary
 9 professional licenses under certain circumstances;
 10 amending s. 456.024, F.S.; requiring the Department of
 11 Health or the applicable board to issue a professional
 12 license to spouses of active duty members of the Armed
 13 Forces of the United States if certain requirements
 14 are met; requiring the department to waive the
 15 application fee for such license applications;
 16 authorizing applicants issued such licenses to renew
 17 their licenses if certain requirements are met;
 18 providing construction; requiring the department or
 19 applicable board to expedite applications for such
 20 licenses; requiring the department or applicable board
 21 to issue a temporary professional license under
 22 certain circumstances; conforming provisions to
 23 changes made by the act; providing an effective date.

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

27 Section 1. Paragraph (d) is added to subsection (3) of
 28 section 455.02, Florida Statutes, and paragraph (a) of that
 29 subsection is republished, to read:

Page 1 of 6

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

18-00416-22

2022562__

30 455.02 Licensure of members of the Armed Forces in good
 31 standing and their spouses or surviving spouses with
 32 administrative boards or programs.—

33 (3) (a) The department shall issue a professional license to
 34 an applicant who is or was an active duty member of the Armed
 35 Forces of the United States, or who is a spouse or surviving
 36 spouse of such member, upon application to the department in a
 37 format prescribed by the department. An application must include
 38 proof that:

39 1. The applicant is or was an active duty member of the
 40 Armed Forces of the United States or is married to a member of
 41 the Armed Forces of the United States and was married to the
 42 member during any period of active duty or was married to such a
 43 member who at the time of the member's death was serving on
 44 active duty. An applicant who was an active duty member of the
 45 Armed Forces of the United States must have received an
 46 honorable discharge upon separation or discharge from the Armed
 47 Forces of the United States.

48 2. The applicant holds a valid license for the profession
 49 issued by another state, the District of Columbia, any
 50 possession or territory of the United States, or any foreign
 51 jurisdiction.

52 3. The applicant, where required by the specific practice
 53 act, has complied with insurance or bonding requirements.

54 4.a. A complete set of the applicant's fingerprints is
 55 submitted to the Department of Law Enforcement for a statewide
 56 criminal history check.

57 b. The Department of Law Enforcement shall forward the
 58 fingerprints submitted pursuant to sub-subparagraph a. to the

Page 2 of 6

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

18-00416-22 2022562__

59 Federal Bureau of Investigation for a national criminal history
60 check. The department shall, and the board may, review the
61 results of the criminal history checks according to the level 2
62 screening standards in s. 435.04 and determine whether the
63 applicant meets the licensure requirements. The costs of
64 fingerprint processing shall be borne by the applicant. If the
65 applicant's fingerprints are submitted through an authorized
66 agency or vendor, the agency or vendor shall collect the
67 required processing fees and remit the fees to the Department of
68 Law Enforcement.

69 (d) The department or the applicable board or program
70 shall:

71 1. Expedite all applications submitted by a spouse of an
72 active duty member of the Armed Forces of the United States
73 pursuant to this subsection; and

74 2. Issue a temporary professional license valid for the
75 duration of the application review process to such spouse once
76 the department, board, or program verifies the information
77 provided by the spouse pursuant to subparagraphs (a)1., 2., and
78 3. is accurate.

79 Section 2. Paragraphs (a), (c), (e), (f), (g), (h), and (i)
80 of subsection (4) of section 456.024, Florida Statutes, are
81 amended, and paragraph (j) is added to that subsection, to read:

82 456.024 Members of Armed Forces in good standing with
83 administrative boards or the department; spouses; licensure.—

84 (4)(a) The board, or the department if there is no board,
85 shall ~~may~~ issue a ~~temporary~~ professional license to the spouse
86 of an active duty member of the Armed Forces of the United
87 States who submits to the department:

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88 1. A completed application upon a form prepared and
89 furnished by the department in accordance with the board's
90 rules;
91 ~~2. The required application fee;~~
92 ~~3.~~ Proof that the applicant is married to a member of the
93 Armed Forces of the United States who is on active duty;
94 ~~3.4.~~ Proof that the applicant holds a valid license for the
95 profession issued by another state, the District of Columbia, or
96 a possession or territory of the United States, and is not the
97 subject of any disciplinary proceeding in any jurisdiction in
98 which the applicant holds a license to practice a profession
99 regulated by this chapter;
100 ~~4.5.~~ Proof that the applicant's spouse is assigned to a
101 duty station in this state pursuant to the member's official
102 active duty military orders; and
103 ~~5.6.~~ Proof that the applicant would otherwise be entitled
104 to full licensure under the appropriate practice act, and is
105 eligible to take the respective licensure examination as
106 required in Florida.
107 (c) Each board, or the department if there is no board,
108 shall review the results of the state and federal criminal
109 history checks according to the level 2 screening standards in
110 s. 435.04 when granting an exemption and when granting or
111 denying the ~~temporary~~ license.
112 (e) The department shall waive the applicant's licensure
113 ~~set an application fee, which may not exceed the cost of issuing~~
114 ~~the license.~~
115 (f) An applicant issued a license under this subsection may
116 renew such license upon completion of the conditions for renewal

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117 required of licenseholders under the applicable practice act,
 118 including, without limitation, continuing education
 119 requirements. This paragraph does not limit waiver of initial
 120 licensure requirements under this subsection ~~A temporary license~~
 121 ~~expires 12 months after the date of issuance and is not~~
 122 ~~renewable.~~

123 (g) An applicant for a ~~temporary~~ license under this
 124 subsection is subject to the requirements under s. 456.013(3) (a)
 125 and (c).

126 (h) An applicant shall be deemed ineligible for a ~~temporary~~
 127 license pursuant to this section if the applicant:

128 1. Has been convicted of or pled nolo contendere to,
 129 regardless of adjudication, any felony or misdemeanor related to
 130 the practice of a health care profession;

131 2. Has had a health care provider license revoked or
 132 suspended from another of the United States, the District of
 133 Columbia, or a United States territory;

134 3. Has been reported to the National Practitioner Data
 135 Bank, unless the applicant has successfully appealed to have his
 136 or her name removed from the data bank; or

137 4. Has previously failed the Florida examination required
 138 to receive a license to practice the profession for which the
 139 applicant is seeking a license.

140 (i) The board, or the department if there is no board, may
 141 revoke a ~~temporary~~ license upon finding that the individual
 142 violated the profession's governing practice act.

143 (j) The board, or the department if there is no board,
 144 shall:

145 1. Expedite all applications submitted by a spouse of an

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146 active duty member of the Armed Forces of the United States
 147 pursuant to this section; and

148 2. Issue a temporary professional license valid for the
 149 duration of the application review process to such spouse once
 150 the board or department verifies the information provided by the
 151 spouse pursuant to paragraph (a) is accurate.

152 Section 3. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

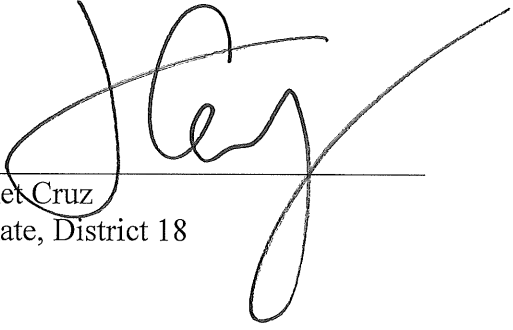
To: Senator Tom Wright, Chair
Committee on Military and Veterans Affairs, Space, and Domestic Security

Subject: Committee Agenda Request

Date: November 15, 2021

I respectfully request that **Senate Bill # 562**, relating to Military Occupational Licensure, be placed on the:

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



Senator Janet Cruz
Florida Senate, District 18



ANALYSIS

2022 AGENCY LEGISLATIVE BILL

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	<u>SB 562</u>
BILL TITLE:	<u>Military Occupational Licensure</u>
BILL SPONSOR:	<u>Sen. Cruz</u>
EFFECTIVE DATE:	<u>07/01/2022</u>

COMMITTEES OF REFERENCE

1) Military and Veterans Affairs, Space, and Domestic Security
2) Regulated Industries
3) Appropriations
4)
5)

CURRENT COMMITTEE

Military and Veterans Affairs, Space, and Domestic Security

SIMILAR BILLS

BILL NUMBER:	N/A
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS

BILL NUMBER:	HB 559
SPONSOR:	Rep. Hunschofsky

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	October 19, 2021
LEAD AGENCY ANALYST:	Renee Alsobrook, Deputy Director, Division of Professions
ADDITIONAL ANALYST(S):	Jake Whealdon, Acting OGC Rules Robin Jordan, Technology Tracy Dixon, Service Operations
LEGAL ANALYST:	
FISCAL ANALYST:	Raleigh Close, Budget Office

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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill provides for an expedited licensing procedure for spouses of active duty members of the Armed Forces of the United States and allows for a temporary license to be issued pending receipt of criminal background information when the application is otherwise complete.

2. SUBSTANTIVE BILL ANALYSIS**1. PRESENT SITUATION:**

Currently there is no provision for expediting the processing of an application or issuing a temporary license when the application is not complete.

2. EFFECT OF THE BILL:

Division of Professions

Section 1

Adds paragraph (d) to subsection (3) of section 455.02, Florida Statutes and paragraph (a) of that subsection is republished. The added paragraph (d) of subsection (3) provides the department or the applicable board or program shall expedite applications submitted by a spouse of an active duty member of the Armed Forces of the United States and issue a temporary license valid for the duration of the application review process to the spouse once the department, board or program verifies the information provided by the spouse pursuant to subparagraphs (a) 1., 2., and 3. is accurate. The information in subparagraph (a) 1.-3., requires verification that the applicant is married to or was married to a member of the Armed Forces of the United States during any period of active duty; the applicant holds a valid license for the profession from another state, the District of Columbia, or any foreign jurisdiction; and the applicant, where required by the practice act, has complied with insurance or bonding requirements.

Section 2

Applies to the Department of Health

The section provides that the board, or the department if there is no board, shall issue a license to the spouse of an active duty member of the Armed forces of the United States who submits to the department a completed application. The bill eliminates the required application fee. The board, or the department if there is not board, shall expedite the application submitted by a spouse of an active duty member of the Armed Forces of the United States. The bill provides for a temporary license valid during the application review process once certain information on the application is verified.

Section 3

The bill provides the act is effective July 1, 2022.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	unknown
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Opponents and summary of position:	unknown
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5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☒ N ☐

Revenues:	The bill requires the waiver of the application fee for professions licensed under Chapter 456, Florida Statute but the impact is unknown.
Expenditures:	
Does the legislation contain a State Government appropriation?	No appropriation is contained in the legislation.
If yes, was this appropriated last year?	

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☒ N ☐

Revenues:	
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Expenditures:	Spouses of active duty members of the Armed Forces of the United States will not have to pay the application fees for a professional license issued under Chapter 456, Florida Statutes.
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☒ N ☐

If yes, explain impact.	The bill decreases fees. The application fee for a professional license will not have to be paid by the spouse of active duty members of the Armed Forces of the United States when applying for a license issued under Chapter 456, Florida Statutes.
Bill Section Number:	2

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?

Y ☒ N ☐

<p>If yes, describe the anticipated impact to the agency including any fiscal impact.</p>	<p>The bill will require the Division of Service Operations to identify the application of military spouses so that the application may be expedited for review. Once the application of the military spouse is reviewed and determined to meet the minimum requirements as set forth in the bill, a temporary license will be issued and identified by a modifier that will be created in Versa. The license modifier indicating that the license is temporary will be removed from the license once the permanent license is issued once the application is complete and determined to meet all license requirements.</p> <p style="text-align: center;">** Division of Technology Comments Below**</p> <p>This bill will require modification to the department's licensing system and online portal to create a modifier for a temporary license.</p> <ul style="list-style-type: none"> • Versa: Regulation – 80 hours • Versa Online – 40 hours <p>These modifications can be made by existing resources.</p>
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?

Y ☐ N ☒

<p>If yes, describe the anticipated impact including any fiscal impact.</p>	
---	--

ADDITIONAL COMMENTS

OGC Rules: No additional comments.

DSO: The impact to the division is minimal and can be accommodated with existing resources.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	
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2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Florida Department of Health

BILL INFORMATION

BILL NUMBER:	562
BILL TITLE:	Occupational Licensure of Military Spouses
BILL SPONSOR:	Cruz
EFFECTIVE DATE:	July 1, 2022

COMMITTEES OF REFERENCE

1) Military & Veterans Affairs, Space & Dom. Security
2) Regulated Industries
3) Appropriations Committee
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

Click or tap here to enter text.

SIMILAR BILLS

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	559
SPONSOR:	Hunschofsky

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	12/14/2021
LEAD AGENCY ANALYST:	Janet Hartman
ADDITIONAL ANALYST(S):	Click or tap here to enter text.
LEGAL ANALYST:	Louise St. Laurent
FISCAL ANALYST:	Jonathan Sackett

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill amends section 456.024, Florida Statutes, requiring the Florida Department of Health, or the applicable board, to expedite, issue, and renew licenses to spouses of active duty members of the Armed Forces of the United States if certain conditions are met and waives application fees.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The Florida Department of Health (Department) offers the Florida Veterans Application for Licensure Online Response System (VALOR), which provides expedited licensing for honorably discharged veterans and their spouses seeking licensure in all health care professions. Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees.

Since its inception in 2016, there have been approximately 1,669 health care licensure applications submitted by and approved for active duty service members, military veterans, and their spouses through the VALOR expedited licensing process. There were 352 applications approved for health care licensure of military spouses and honorably discharged veterans from July 1, 2020 through June 30, 2021, approximately 1.38% of all licenses issued by the Department during the last fiscal year.

Options for initial and temporary spousal licensure in Florida are detailed below, including fees, documentation, and other specific requirements.

Expedited Initial Licensure for Military Spouses

It is the practice of the Florida Department of Health to provide expedited licensure processing for the spouse of an active member of the United States Armed Forces, the United States Reserve Force, or the National Guard seeking licensure in health care professions. In accordance with section 456.024, Florida Statutes, an individual must apply for the license while their spouse is serving on active duty and must hold an active, unencumbered license in a U.S. jurisdiction or serve as a health care practitioner in a profession for which licensure in a state or jurisdiction is not required to practice. There is no application fee, licensure fee, or unlicensed activity fee for military spouses who qualify.

Initial Licensure Fee Waiver and Requirements

In accordance with section 456.013, Florida Statutes, the spouse of a military veteran may be eligible for a waiver of the initial license fee, initial application fee, and initial unlicensed activity fee for all health care professions under the Florida Department of Health's purview. Fees are waived for an applicant who was married to the military veteran at the time of the veteran's discharge, provided the spouse applies for licensure within 60 months after the veteran is discharged from any branch of the United States Armed Forces. This waiver does not include examination fees that are paid directly to national examination vendors. To be eligible for the fee waiver, the applicant's spouse must have served in a branch of the United States Armed Forces and have been honorably discharged in the past 60 months prior to the date of application. The applicant must provide proof of their spouse's honorable discharge (DD-214 or NGB-22 form) and submit the Military Veteran Fee Waiver Request, alongside their profession specific application for licensure. The application may be submitted online or by mail.

Temporary License for Military Spouses

In accordance with section 456.024(3), Florida Statutes, a spouse of an active duty member of the Armed Forces of the United States may be issued a temporary license to practice a health care profession in Florida. The non-refundable application fee is \$65.00. The applicant must be otherwise entitled to full licensure under the appropriate profession-specific practice act and eligible to take any applicable licensure examinations as required in Florida. The applicant is required to provide documentation which details marriage to an active duty member of the Armed Forces, the spouse's active duty assignment in Florida, and a current and valid licensure to practice the desired profession in another state. The temporary license is valid for one year and is non-renewable. If the spouse desires to practice beyond the expiration of the "temporary license," the applicant is required to apply for full licensure.

[1]<http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/2020-2021-annual-report.pdf>

2. EFFECT OF THE BILL:

The bill amends section 456.024, Florida Statutes, modifying specifications for temporary licensure of military spouses, creates a pathway for full licensure for an active duty military spouse that is licensed in another state, and eliminates all Department licensure fees for military spouses. The bill specifies all licensure renewal requirements are subject to each profession's specific requirements, as detailed in the applicable practice acts. The bill also directs the Department to expedite all applications submitted by an active-duty military spouse and authorizes issuance of temporary licenses during the application review process.

To implement, the Department would be required to update the Military Spouse Temporary License application and associated rule to make nomenclature updates and remove the \$65 temporary licensure fee. The application would be transitioned from a temporary license application to a full licensure application requiring minor system updates. It is the practice of the Department to expedite licensure for military spouses, as such, this component of the bill would not impact current operations. If an application is complete, including supplemental documentation, it is typically fully processed on the same business day it is received by the Department. The Department may be required to make minor system updates for the provision of issuing a temporary certificate while the application for full licensure is reviewed.

Current bill language requires that the Department issue a temporary license during the review of a submitted application and once all information has been verified; however, a full license would be issued at that time. The bill is unclear regarding if the temporary license must be issued if the submitted application is incomplete or if supplemental documentation (e.g. transcripts, criminal history, prior license verification) is not yet received by the Department. It is the Department's practice to prioritize the processing of veterans and their spouses, and if the completed application and all supplemental information is received by the department, applications are processed in one day or less. As a result, the issuance of a temporary license would only occur if the applicant's application is deemed incomplete which seems contrary to the bill language.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☒ N ☐

If yes, explain:	Yes, it directs the Department to remove licensure fees for active duty military spouses.
Is the change consistent with the agency's core mission?	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	64B-9.003, Military Spouse Temporary License

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y ☐ N ☒

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y ☐ N ☒

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y ☒ N ☐

Revenues:	DOH/MQA will experience a recurring loss of revenue due to the provisions of this bill. From July 1, 2020 through June 30, 2021, 352 applications were approved for health care licensure of military spouses, this includes approximately 1.38% of all licenses issued by the Department during the last fiscal year. It is anticipated that the bill will have an insignificant impact on the Division of Medical Quality Assurance trust fund related to the reduction in licensing fees.
-----------	--

Expenditures:	DOH/MQA will experience a non-recurring increase in workload and costs associated with updating the Licensing and Enforcement Information Database System, Online Service Portal, Cognitive Virtual Agent, and armed services website to reflect changes to the licensing fees and requirements for a spouse of an active duty member of the Armed Forces of the United States. Current resources and budget authority are adequate to absorb.
Does the legislation contain a State Government appropriation?	No
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☒ N ☐

If yes, explain impact.	The bill decreases licensure fees for an applicant that is married to a member of the Armed Forces of the United States who is on active duty, removing the current \$65 fee.
Bill Section Number:	Section 2.

TECHNOLOGY IMPACT

1. **DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?** Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.

Addressed in fiscal section.

FEDERAL IMPACT

1. **DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?** Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

N/A

ADDITIONAL COMMENTS

None.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

No legal issues, concerns or comments identified at this time.

January 11, 2022

Meeting Date

Military & Veteran Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

562

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dan Hendrickson, Tall. Vet. Legal Collaborative Phone 850/ 570-1967

Address 319 Park Ave Email danbhendrickson@comcast.net
Street

Tallahassee Fl 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1/11/2022

The Florida Senate
APPEARANCE RECORD

562

Meeting Date

Military and Veterans Affairs, Space, and Domestic Security

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Elizabeth Berglin**

Phone **305-646-7093**

Address **3250 Southwest Third Ave**

Email **bergline@unitedwaymiami.org**

Street

Miami

Florida

33129

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

United Way Miami

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-11-2022

Meeting Date

J62

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Rick Owen

Phone

850-488-8276

Address

307 E. 7th AVE

Email

RickOwen@ork

Street

TALLAHASSEE

FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

United Way of Florida

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

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: SM 826

INTRODUCER: Senator Wright

SUBJECT: Florida National Guard

DATE: January 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Caldwell	MS	Favorable
2.			RC	

I. Summary:

SM 826 is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires copies to be dispatched to the President of the United States, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

II. Present Situation:

National Guard and the National Guard Bureau

The National Defense Act of 1916¹ established the National Guard Bureau as a separate unit of the militia division of the federal government.² In 1948, the Secretary of Defense of the United States Department of Defense issued an order designating the National Guard Bureau as a joint bureau of the Departments of the Army and Air Force.³ Today, the National Guard Bureau oversees each of the 54 National Guards in U.S. states and territories.⁴

¹ National Defense Act of 1916, H.R. 12766 (Public, No. 85) (June 3, 1916).

² National Archives, *Guide to Federal Records, Records of the National Guard Bureau (NGB)*, available at <https://www.archives.gov/research/guide-fed-records/groups/168.html> (last visited Dec. 2, 2021).

³ *Id.*

⁴ National Guard, *National Guard Fact Sheet, Army National Guard (FY2005)*, May 3, 2006, available at <https://www.nationalguard.mil/About-the-Guard/Army-National-Guard/Resources/News/ARNG-Media/FileId/137011/>.

The National Guard is unique among militia in that it serves the country in both the local community and overseas. The dual mission of a Guard member means that each member serves through both the National Guard of the state and through the U.S. Army or the U.S. Air Force.⁵ The collective membership of each National Guard is designated as its force structure. The force structure of each National Guard is allocated by the National Guard Bureau.⁶

Florida National Guard

The Florida National Guard goes back in time to 1565, when Spanish founders of St. Augustine organized a company of citizen-soldiers to protect the local community.⁷ A member of the Florida National Guard serves either in the state Army National Guard or in the state Air National Guard, considered a reserve component of each of those armed forces.⁸ Overseeing the National Guard as a federally-recognized officer, the adjutant general is appointed by the Governor and subject to Senate confirmation.⁹ As adjutant general, the officer is responsible for training and operations of the National Guard.¹⁰ The adjutant general must have served in the Florida National Guard for the preceding 5 years and attained the rank of colonel or higher. Ranked above adjutant general is the Governor, who serves in this role as commander-in-chief of all militia in the state.¹¹

Recent Duties of the Florida National Guard

In the past decade, state Guard members have been mobilized to multiple overseas deployments and assigned to assist and respond to natural disasters, domestic security, and Covid-19 vaccinations. For the Covid-19 response alone, the National Guard dedicated 2,906 servicemembers and 660,657 total days.¹² Since September 11, 2001, more than 25,000 Florida National Guard members have been mobilized to respond to out of-state and overseas operations.¹³

Demographics

The force structure of the Florida National Guard is comprised of nearly 12,000 members¹⁴, while Florida is the third most-populous state, estimated at nearly 22 million residents.¹⁵ The Department of Military Affairs states that the force structure in proportion to the state population

⁵ *Id.*

⁶ 10 USC 10503 (1).

⁷ Dep't of Military Affairs, *Home*, available at <https://dma.myflorida.com/> (last visited Nov. 30, 2021).

⁸ Section 250.01(3), (6), and (13), F.S.

⁹ Section 250.10(1), F.S.

¹⁰ Florida National Guard, *The Adjutant General of Florida*, available at <https://fl.ng.mil/leadership/Pages/The-Adjutant-General-of-Florida.aspx> (last visited Dec. 1, 2021).

¹¹ Section 250.06(1), F.S.

¹² Major General James O. Eifert, The Adjutant General, The Florida National Guard, Dep't of Military Affairs, *Florida National Guard Update Brief*, PowerPoint Presentation Oct. 12, 2021 before the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security, pg. 5, available at [Florida National Guard.Presentation.pdf \(flsen.gov\)](https://flsen.gov/Florida-National-Guard-Presentation.pdf) .

¹³ *Id.* at 6.

¹⁴ Florida National Guard, *supra* note 10.

¹⁵ World Population Review, *Florida Population*, available at <https://worldpopulationreview.com/states/florida-population> (last visited Dec. 2, 2021).

ranks Florida 53rd out of the 54 states and territories of the United States that have a National Guard.¹⁶ In the past 30 years, the state's population doubled, while the force structure of the National Guard declined in number.¹⁷ Along with the state's low positioning of Guard members to population, Florida is considered to be a disaster-prone state. The state is ranked 5th in most FEMA-declared disasters of all states in the last 70 years, and 3rd in most damage from natural disasters per household of all states in the nation.¹⁸ Moreover, geographically Florida is a large state with a significant coastline exposing the state to damaging hurricanes and climate change.¹⁹ More than 17 million Floridians live within 30 miles of coastline.²⁰

If the federal government approved a force structure of the Florida National Guard based solely on state population, Florida would have 25,000 guard members, more than double the current 12,000.²¹ Adding to the inequity between members and population, the state's population is expected to increase by 5 million people this decade.²²

Congressional Support for Increased Funding and Allocation

On March 24, 2021, members of the Florida Congressional Delegation sent a written request to both the Secretary of the United States Department of Defense and the Chief of the National Guard Bureau.²³ In their request, Congress members asked for more equitable funding and resource allocation for the state National Guard. These members of Congress based their request on the disproportionality between the state population compared to the size of the structure force, along with the state's unique vulnerability to continuing disasters.²⁴

On June 1, 2021, members of Congress representing California, Texas, and Florida sent a written request to the Secretary of Defense for an increased allocation for the National Guard particular to these states²⁵. In support, Congress members cite that California, Texas, and Florida rank at the lowest level of structure force to population and at the top for highest percentage of largest counties in the United States, and that these states expect to receive a disproportionate future increase in migration.²⁶

¹⁶ Department of Military Affairs, *2022 Agency Legislative Bill Analysis* (Nov. 30, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security). The analysis provides that "There are approximately 12,000 National Guardsmen in Florida, based on our population there should be between 18,000 and 21,000 Guardsmen to assist the State in times of need."

¹⁷ Major General James O. Eifert, *supra* note 12 at 9.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ Letter from members of the Florida Congressional Delegation to Secretary Lloyd J. Austin III, U.S. Dep't of Defense and Chief Daniel R. Hokanson, National Guard Bureau, March 24, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁴ *Id.*

²⁵ Letter from members of the California, Texas, and Florida Congressional Delegations to Secretary Lloyd J. Austin, U.S. Dep't of Defense, June 1, 2021 (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²⁶ *Id.*

Memorial

A memorial is an official legislative document addressed to Congress, the President of the United States, or some other governmental entity that expresses the will of the Legislature on a matter within the jurisdiction of the recipient. A memorial requires passage by both legislative houses but does not require the Governor's approval nor is it subject to a veto.

III. Effect of Proposed Changes:

The bill is a memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to review resource allocations to the Florida National Guard and allow an increase to the state's force structure.

The memorial requires copies to be dispatched to the President of the United States, Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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.

By Senator Wright

14-00932-22

2022826__

Senate Memorial

A memorial to the Congress of the United States, urging Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

WHEREAS, the number of soldiers and airmen allocated to each state's National Guard, known as its "force structure," is determined by the United States National Guard Bureau in Washington, D.C., and

WHEREAS, with approximately 21 million residents, Florida is the third most populous state in the nation but nevertheless has a force structure of just over 12,000 Guardsmen, and its ratio of one Guardsman for every 1,833 residents ranks 53rd among the 54 states and territories of the United States which have a National Guard component, and

WHEREAS, due to the unprecedented events of 2020 and 2021, including the COVID-19 response, and in addition to natural disasters and overseas deployments, the Florida National Guard has expended the same number of workdays within the past 18 months as it expended over the past 20 years, and

WHEREAS, the Florida National Guard continues to meet its mission goals; however, the shortage of these invaluable "citizen soldiers," combined with the state's growing population and increased need for National Guard activation and response, has resulted in the repeated deployment of the same soldiers, which ultimately leads to their excessive fatigue and negatively impacts recruitment, retention, and readiness, and

Page 1 of 2

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

14-00932-22

2022826__

WHEREAS, the United States National Guard Bureau's report, "Impact of U.S. Population Trends on National Guard Force Structure," released to Congress in April 2021, acknowledges the aforementioned concerns within Florida and other regions, stating, "The National Guard may need to evaluate re-allocating mission sets to other geographic areas to keep pace with changing demographics across the country," NOW, THEREFORE,

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

That the Florida Legislature respectfully urges the United States Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

Page 2 of 2

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



2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Military Affairs

<u>BILL INFORMATION</u>	
BILL NUMBER:	SM 826
BILL TITLE:	Florida National Guard
BILL SPONSOR:	Senator (Chair) Tom Wright
EFFECTIVE DATE:	Memorial

<u>COMMITTEES OF REFERENCE</u>
1) Military Affairs, Space, and Domestic Security
2) Rules
3) Click or tap here to enter text.
4) Click or tap here to enter text.
5) Click or tap here to enter text.

<u>CURRENT COMMITTEE</u>
Not currently in committee.

<u>SIMILAR BILLS</u>	
BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.

<u>PREVIOUS LEGISLATION</u>	
BILL NUMBER:	
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	H 505
SPONSOR:	Representative Daley

Is this bill part of an agency package?
No

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	November 30, 2021
LEAD AGENCY ANALYST:	Alexander Kerr
ADDITIONAL ANALYST(S):	
LEGAL ANALYST:	Click or tap here to enter text.
FISCAL ANALYST:	Click or tap here to enter text.

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POLICY ANALYSIS

1. EXECUTIVE SUMMARY

SM 826; Urges the U.S. Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Currently the Florida National Guard is ranked 53 out of 54 states and territories, when comparing National Guard personnel to citizen population. Florida's population is expected to grow by 5 million over the next 10 years and Florida is the 4th most disaster prone State in the Nation. Currently the Florida National Guard's force structure is not remotely proportional to the State's population. There are approximately 12,000 National Guardsmen in Florida, based on our population there should be between 18,000 and 21,000 Guardsmen to assist the State in times of need.

2. EFFECT OF THE BILL:

This memorial urges, on behalf of the legislature, the US Congress to impel the United States National Guard Bureau to examine the resource allocations of the Florida National Guard and allow an increase in its force structure. The memorial provides background context for the review of allocation of Florida National Guard resources due to: the unprecedented events of 2020 and 2021, to include the COVID-19 response, natural disasters and overseas deployments; the number of expended workdays within the past 18 months equating the same total number of workdays for the past 20 years; the Florida National Guard's mission and goals; the shortage of "citizen soldiers," combined with the state's growing population and increased need for National Guard activation and response; resulting repeated deployment of the same soldiers; and soldiers' excessive fatigue and the negative impacts on recruitment, retention, and readiness. The memorial also establishes that copies of the memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y ☐ N ☒

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input checked="" type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	NO
Opponents and summary of position:	

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?Y ☐ N ☒

If yes, provide a description:	NO
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?Y ☐ N ☒

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation increase local taxes or fees? If yes, explain.	
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y ☐ N ☒

Revenues:	
Expenditures:	
Does the legislation contain a State Government appropriation?	
If yes, was this appropriated last year?	

--	--

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y ☐ N ☒

Revenues:	
Expenditures:	
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y ☐ N ☒

If yes, explain impact.	
Bill Section Number:	

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact to the agency including any fiscal impact.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.

ADDITIONAL COMMENTS**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments:

KAT CAMMACK
340 DISTRICT, FLORIDA

COMMITTEE ON HOMELAND SECURITY
RANKING MEMBER, SUBCOMMITTEE ON
EMERGENCY PREPAREDNESS,
RESPONSE & RECOVERY

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE ON COMMODITY EXCHANGES,
ENERGY, AND CREDIT

SUBCOMMITTEE ON BIOTECHNOLOGY,
HORTICULTURE, AND RESEARCH

SUBCOMMITTEE ON NUTRITION, OVERSIGHT, AND
DEPARTMENT OPERATIONS

CAMMACK.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515-0903

WASHINGTON OFFICE:
1628 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-5744
FAX: (202) 225-3973

GAINESVILLE OFFICE:
5550 NW 111TH BOULEVARD
SUITE A
GAINESVILLE, FL 32653
PHONE: (352) 505-0838
FAX: (352) 505-3511

ORANGE PARK OFFICE:
35 KNIGHT BOX ROAD
SUITE 1
ORANGE PARK, FL 32065
PHONE: (904) 276-9626
FAX: (904) 276-9336

March 24, 2021

Secretary Lloyd J. Austin III
U.S. Department of Defense (DOD)
1300 Defense Pentagon
Washington, DC 20301

General Daniel R. Hokanson
National Guard Bureau
111 S. George Mason Dr.
Arlington, VA 22204

Dear Secretary Austin,

We write to request more equitable funding and resource allocation for the Florida National Guard in the Defense Budget for FY2022. We appreciate the hard work of the Florida National Guard to help keep the U.S. Capitol Complex safe following the tragic events of January 6, 2021. The personal sacrifice these men and women made for our safety will always be remembered.

Throughout the COVID-19 pandemic, the Florida National Guard has played a pivotal role to support Florida's pandemic response and vaccine rollout. Their hard work has included operational and logistical support for the state's Community Based Testing Sites (CBTS), Community Vaccination Sites, and Mobile Testing Teams. Our guardsmen have also been supporting the statewide delivery of vaccines, food distribution, and augmenting airport security and screening. Thanks to their hard work and support, over 5 million Floridians have received at least one dose of the COVID-19 vaccine, and that number rises every day.

While we have a deep appreciation for these accomplishments during an unprecedented time, we are concerned with the Florida National Guard's lack of proportionate force structure allocation. Florida is our nation's 3rd most populous state yet when compared among other states our Guardsman to citizen ratio places Florida at 53 of 54. Florida's population is expected to grow by five million in the next decade. Our state's National Guard can no longer lag behind future population growth.

Florida is the nation's fourth most disaster-prone State and as a result our National Guard has experienced one of the highest Operation Tempos (OPTEMPO) with over 22,000 National Guardsmen deployed since 9/11 and over 1.1 million workdays supporting state disaster response. If force structure were proportional, the Florida National Guard would have a force of as many as 21,000 Guardsmen, rather than the current number of 12,000 Guardsmen.

We will forever be grateful for the service of Florida's National Guard in our state, at the Capitol, and around the world. We ask that you carefully review the Force Structure Proportionality study required in the 2021 National Defense Authorization Act and ensure that the Florida National Guard has the force structure and resources necessary to continue keeping the State of Florida safe and secure.


Sincerely,



Kat Cammack
Member of Congress



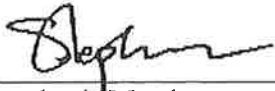
Val Demings
Member of Congress



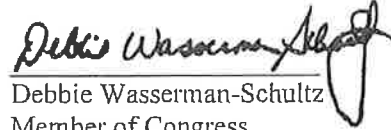
Michael Waltz
Member of Congress



Charlie Crist
Member of Congress



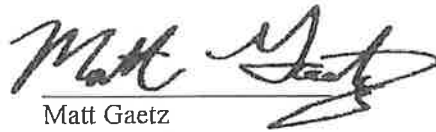
Stephanie Murphy
Member of Congress



Debbie Wasserman-Schultz
Member of Congress



Brian Mast
Member of Congress



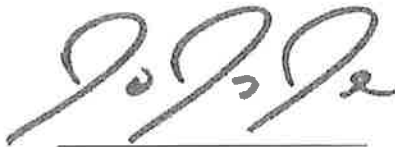
Matt Gaetz
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



Al Lawson
Member of Congress



Mario Diaz-Balart
Member of Congress



John H. Rutherford
Member of Congress



Daniel Webster
Member of Congress



Darren Soto
Member of Congress

Congress of the United States
Washington, DC 20515

June 1, 2021

The Honorable Lloyd Austin
Secretary of Defense
1000 Defense Pentagon
Washington DC 20301-1000

Dear Mr. Secretary,

We appreciate the hard work of the brave volunteers that make up the National Guard. They have served our nation honorably, both at home and abroad. After the unprecedented events of the past year that included COVID-19 response and civil unrest in addition to natural disasters and overseas deployments, we owe the National Guard a debt of gratitude. However, strain on the National Guard has been building for years as hurricane response in Florida, winter storm and flood rescue in Texas, and combatting wildfires in California has been persistent.

As you may know, 15 of the nation's top 25 most populous counties are located within California, Florida, and Texas. As elected representatives from the nation's three most populous states, we have an obligation to ensure that these civilian warriors, and our state bureaus, have the resources they need to fulfill the full range of missions we task them with, including defense support for civil authorities and domestic missions in support of Governors.

However, with our current and growing population levels, our states have the lowest Guardsmen-to-civilian ratios in the country, with California at 54th, Florida at 53rd, and Texas at 52nd. The extraordinary circumstances of the past year have highlighted the strain on our Guard units have been under for too long, potentially hurting recruitment, retention, and readiness. The limited resources allocated to our states has affected our Guard bureaus' ability to rotate personnel, putting greater demands on Guard families.

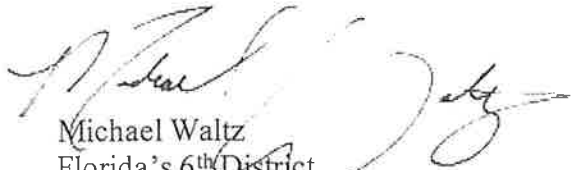
We appreciate that the Department has recognized this concern. In its implementation guidance for the National Defense Strategy, the Department said: "Demographic and economic trends within the U.S. will challenge our ability to recruit and retain quality Guardsmen over the next several years. Meeting this challenge is fundamental to our long-term success."

Furthermore, among the recommendations in the National Guard Bureau's "*Impact of U.S. Population Trends on National Guard Force Structure*" Report to Congress released in April 2021, the Bureau says: "as the U.S. population continues to shift from North and North Central regions of the country to the South and West, the National Guard may need to evaluate re-allocating mission sets to other geographic areas to keep pace with changing demographics across the country."


Therefore, we respectfully ask that you carefully review the report, examine the current resource allocations, and work with us to grow the size of Guard bureaus in our states. As we consider National Guard force structure policy in the National Defense Authorization Act, please let us know what resources or authorities you need to ensure they have an appropriate and sustainable force structure allocation to meet their mission requirements, without impacting missions in other states.

Thank you for your kind consideration.

Cordially,



Michael Waltz
Florida's 6th District



Ken Calvert
California's 42nd District



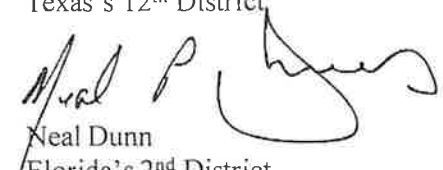
Ronny Jackson
Texas's 13th District



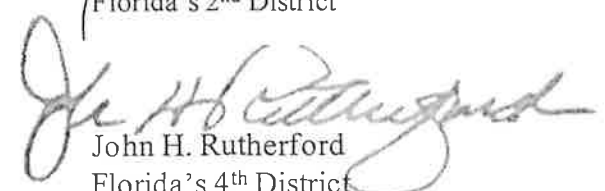
Brian Mast
Florida's 18th District




Kay Granger
Texas's 12th District



Neal Dunn
Florida's 2nd District




John H. Rutherford
Florida's 4th District




Stephanie Murphy
Florida's 7th District




Jimmy Panetta
California's 20th District



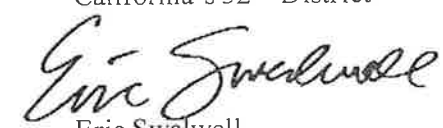
Marc A. Veasey
Texas's 33rd District



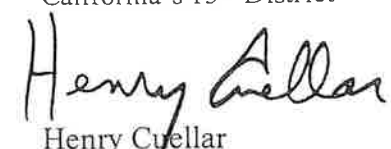
Salud Carbajal
California's 24th District



Scott Peters
California's 52nd District



Eric Swalwell
California's 15th District



Henry Cuellar
Texas's 28th District



Maria Elvira Salazar
Florida's 27th District



Carlos Gimenez
Florida's 26th District



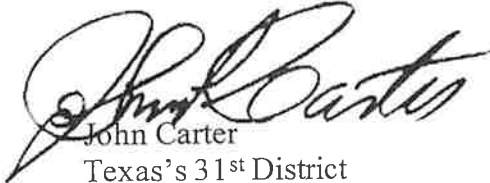
Louie Gohmert
Texas's 1st District



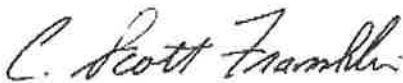
Pat Fallon
Texas's 4th District



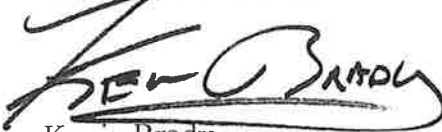
Matt Gaetz
Florida's 1st District



John Carter
Texas's 31st District



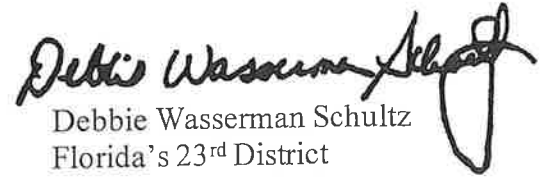
Scott Franklin
Florida's 15th District



Kevin Brady
Texas's 8th District



Jodey Arrington
Texas's 19th District



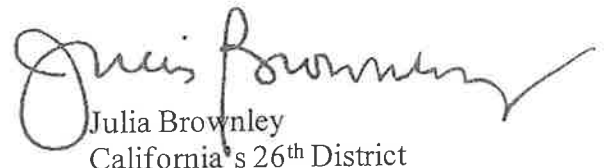
Debbie Wasserman Schultz
Florida's 23rd District



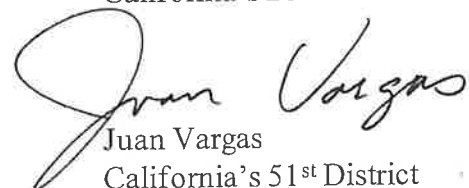
Val Demings
Florida's 5th District



Al Lawson
Florida's 5th District



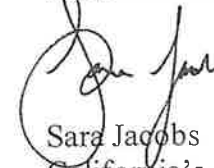
Julia Brownley
California's 26th District




Juan Vargas
California's 51st District



Mike Garcia
California's 25th District



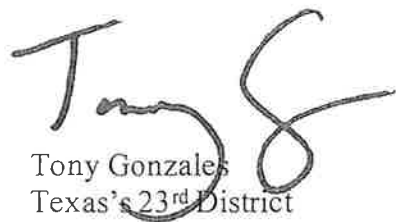
Sara Jacobs
California's 53rd District



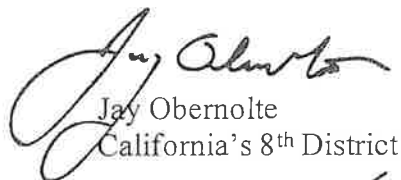
Anna G. Eshoo
California's 18th District

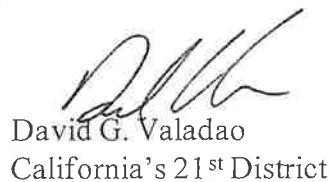


Colin Allred
Texas's 32nd District

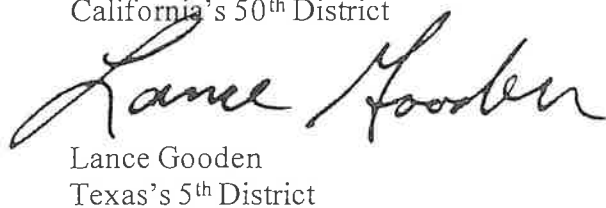

Tony Gonzales
Texas's 23rd District

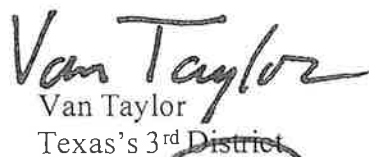

Young Kim
California's 39th District

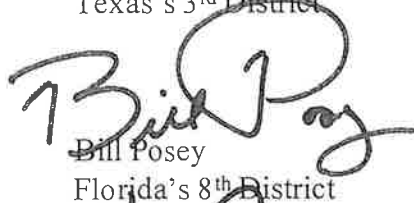

Jay Obernolte
California's 8th District


David G. Valadao
California's 21st District


Darrell Issa
California's 50th District

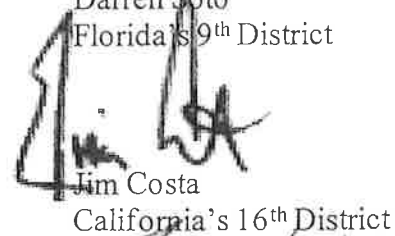

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Texas's 5th District

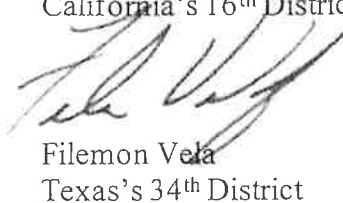

Van Taylor
Texas's 3rd District

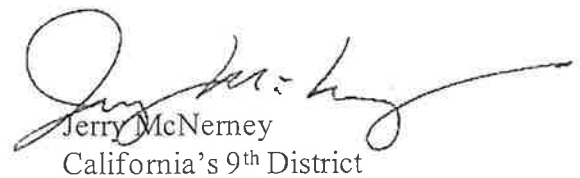

Bill Posey
Florida's 8th District

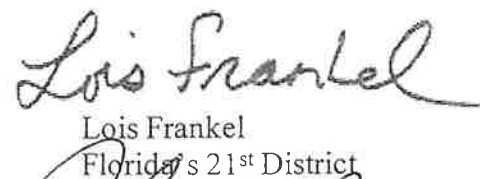

Kat Cammack
Florida's 3rd District

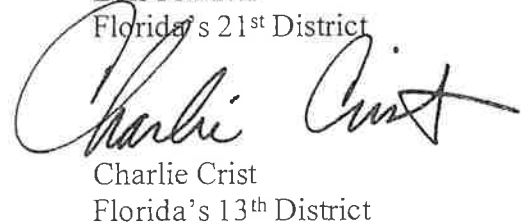

Darren Soto
Florida's 9th District

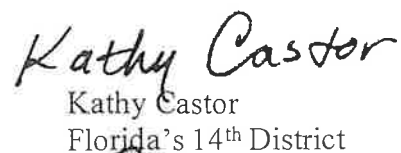

Jim Costa
California's 16th District

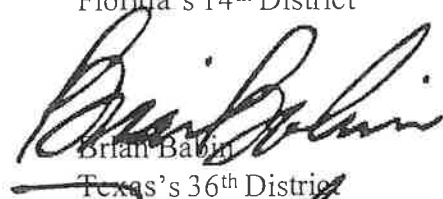

Filemon Vela
Texas's 34th District

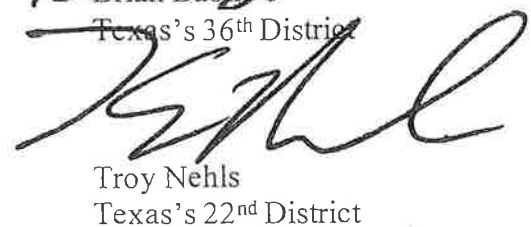

Jerry McNerney
California's 9th District


Lois Frankel
Florida's 21st District


Charlie Crist
Florida's 13th District


Kathy Castor
Florida's 14th District


Brian Babin
Texas's 36th District

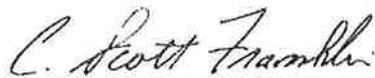

Troy Nehls
Texas's 22nd District



Gus M. Bilirakis
Member of Congress



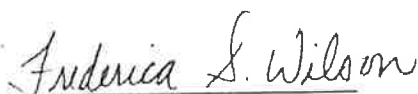
Kathy Castor
Member of Congress



Scott Franklin
Member of Congress



Ted Deutch
Member of Congress



Frederica S. Wilson
Member of Congress



Maria Elvira Salazar
Member of Congress



Bill Posey
Member of Congress



Byron Donalds
Member of Congress



W. Gregory Steube
Member of Congress



Alcee L. Hastings
Member of Congress



Lois Frankel
Member of Congress



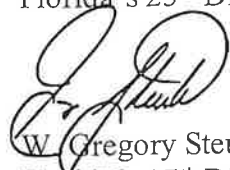
Vern Buchanan
Member of Congress



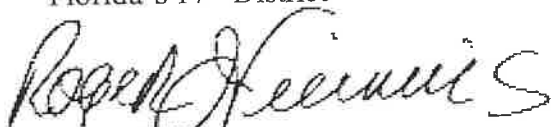
Carlos A. Gimenez
Member of Congress



Mario Diaz-Balart
Florida's 25th District



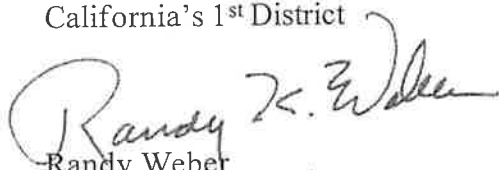
W. Gregory Steube
Florida's 17th District



Roger Williams
Texas's 25th District



Doug LaMalfa
California's 1st District



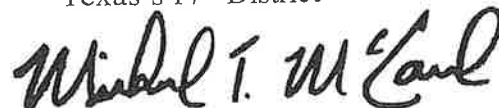
Randy Weber
Texas's 14th District



Beth Van Duyne
Texas's 24th District



Pete Sessions
Texas's 17th District



Michael T. McCaul
Texas's 10th District



Gus Bilirakis
Florida's 12th District

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 896

INTRODUCER: Senator Burgess

SUBJECT: Educator Certification Pathways for Veterans

DATE: January 10, 2022

REVISED: 1/12/2022

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Lloyd	Caldwell	MS	Favorable
2.		ED	
3.		RC	

I. Summary:

SB 896 creates an additional eligibility pathway for educator certification for veterans after an honorable or medical discharge from the United States Armed Forces. Under this option, temporary certification from the Department of Education (DOE) would be valid for five school fiscal years and nonrenewable for subject area specialization for which the state board otherwise requires a bachelor's degree.

To qualify for certification through this process, each veteran must:

- Document a minimum of 48 months of active duty service; and
- Complete at least 60 college credits at an accredited institution of higher learning, or a non-accredited institution of higher learning identified by the DOE as high quality resulting in a bachelor's degree or higher with a minimum grade point average of 2.5 on a 4.0 scale.

SB 896 is effective July 1, 2022.

II. Present Situation:

Florida's public school system enrolls approximately 2.8 million students annually across 67 school districts in grades pre-Kindergarten through 12.¹ For the 2020-2021 school year, these students are supported by almost 340,000 personnel in administrative, instructional, and support positions with the majority of those positions (60 percent) identified as instructional staff.²

¹ Florida Department of Education, *Florida Public School Enrollment, 2020-2021*, <https://edstats.fldoe.org/SASWebReportStudio/openRVUrl.do?rsRID=SBIP%3A%2F%2FMETASERVER%2FARM%2FPERA%2FEIAS%2FENROLLMENT%2FWEB+REPORTS%2FEnrollment.srx%28Report%29> (last visited December 10, 2021).

² Florida Department of Education, *Staff in Florida Public Schools – Full Time Staff Summary, 2020-21, Final Summary 2, State/District Level Report*, <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.stml> (last visited December 10, 2021).

Instructional staff includes teachers at each level (elementary, middle, and high school), as well as other school staff who interact with students outside of the traditional classroom setting such as guidance, librarians, social workers, and school psychologists, but who are on the campus on a daily basis. Teachers, however, comprise 87 percent of total personnel.³

Current state law requires the State Board of Education (SBE) to annually review critical teacher shortage areas and to identify those areas where there is the greatest need for teachers statewide.⁴ Shortage areas are determined based the number of courses taught by teachers not certified in the appropriate field for the course, number of projected vacancies in the subject matter, and the number of teachers who completed any teacher preparation programs.⁵ For the 2021-2022 school year, the DOE identified the following shortage areas:

- Science – General;
- English;
- Exceptional Student Education (ESE);
- Science – Physical;
- Reading;
- Technical Education;
- Science-Earth & Space;
- English for Speakers of Other Language; and
- Math.⁶

Currently, to achieve certification status in Florida, an individual must submit his or her transcripts and other certification documents plus any required fees through the DOE under one of several pathways or certificate types.⁷

Educator Certification Requirements

Initial Certification Eligibility

To be eligible to seek certification as an educator in Florida, a person must:

- Be at least 18 years of age;
- Meet general eligibility criteria to ensure competency and capability to perform the duties, functions, and responsibilities as an educator, including, but not limited to the execution of an oath of loyalty, possession of a bachelor's degree or higher, and successful passage of a background screening;
- Demonstrate mastery of subject area knowledge as defined in state law⁸;

³ Florida Department of Education, *Staff in Florida's Public Schools, Full-Time Instructional Staff Summary, 2020-2021, Final Survey 2, State/District Report*, <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.shtml> (last Visited December 10, 2021).

⁴ See s. 1012.07, F.S., and 6A-20.0131, F.A.C. (2012).

⁵ Florida Department of Education, *Identification of Critical Teacher Shortage Areas for 2021-22*, <https://www.fldoe.org/core/fileparse.php/7766/urlt/CTSA2122.pdf> (last visited December 10, 2021).

⁶ Florida Department of Education, *Identification of Critical Teacher Shortage Areas for 2021-22*, <https://www.fldoe.org/core/fileparse.php/7766/urlt/CTSA2122.pdf> (last visited December 10, 2021).

⁷ Florida Department of Education, *Educator Certification*, <https://www.fldoe.org/teaching/certification/> (last visited December 14, 2021).

⁸ Section 1012.56(5), F.S.

- Demonstrate mastery of general knowledge as defined in state law⁹ if the person is to serve as a classroom teacher;¹⁰ and
- Demonstrate mastery of professional preparation and education competency.¹¹

Mastery of general knowledge can be demonstrated through several methods including the passing of one of several different examinations identified by the SBE, having a teacher education certification from another state, or teaching at the Florida College System or university or private college level for a minimum of two semesters in either full-time or part-time status.¹²

To demonstrate mastery of subject area knowledge and meet the educator certification standards, applicants can also pass a subject matter examination under specific conditions, document a teaching certificate from another state, document a certificate from the National Board for Professional Teaching Standards, or provide a passing score from a specified defense language proficiency test or evidence of program completion.¹³

Teacher Preparation Programs

The SBE maintains a system for development and approval of teacher preparation programs,¹⁴ and each teacher preparation program must be approved by the DOE as specified in law.¹⁵ Continued approval of a teacher preparation program is based on evidence that the program continues to implement the requirements for initial approval and upon significant, objective, and quantifiable measures of the program and the performance of the program completers.¹⁶ The programs have entrance requirements for all applicants, including those who already have a baccalaureate degree, such as a minimum grade point average of a 2.5 on a 4.0 scale. All participants in teacher preparation programs are required to pass the General Knowledge Test of the Florida Certification examination by the time of graduation and before receipt of any professional certificate.¹⁷

Postsecondary Educator Preparation Institutes

Educator Preparation Institutes (EPIs) also provide an alternate route to teacher certification.¹⁸ EPIs are created by a postsecondary institution or a qualified private provider and approved by the DOE.¹⁹ Postsecondary institutions that are accredited or approved as described in SBE rule may seek approval from the DOE to create EPIs for the purpose of providing instruction to both potential and existing educators. Such institutions can also help individuals with baccalaureate

⁹ Section 1012.56(3), F.S.

¹⁰ Section 1012.56(3)

¹¹ Section 1012.56(6), F.S.

¹² Section 1012.56(3), F.S.; and Fla Admin. Code R. 6A-4.004(2020).

¹³ Section 1012.56(5), F.S.; and Fla. Admin. Code R. 6A-4.004 (2020).

¹⁴ Section 1004.04(1)(b), F.S.

¹⁵ Section 1004.04(3)(c), F.S.

¹⁶ Section 1004.04(4), F.S.

¹⁷ Section 1004.04(3), F.S.

¹⁸ Florida Department of Education, *Educator Preparation Institutes (EPIs)*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/academic-student-affairs/educator-preparation-institutes-epis/> (last visited December 17, 2021).

¹⁹ Section 1004.85(1), F.S.

degrees transition into certified teachers. Approved EPIs must meet standards established by the DOE and deliver content and curriculum which complies with statutory requirements.²⁰

District Alternative Certification Program

Once an educator holds a valid Florida Temporary or Professional Certificate, the educator may be eligible to add another subject coverage according to subject specialization requirements in the SBE rule, but an endorsement does not stand alone.²¹ Add-on programs are offered by colleges, universities, and school districts and must be approved by the DOE. Currently, thirty-four school districts operate their own certification add-on programs.²²

Non-Degreed Teachers of Career Education

Qualifications for part-time and full-time non-degreed teachers of careers programs are based primarily on successful occupational experience rather than academic training.²³ The qualifications for such teachers require that such candidates be fingerprinted, document their education and successful occupational experience, and provide evidence of any professional credentials or any industry certifications which may be relevant to the requested teaching certification.²⁴

Military Personnel, Veterans, and Spouses

Fee Waivers

Currently, future military educators are eligible to have certification fees waived for initial applications, athletic coaching certifications, upgrades in certifications from temporary to permanent, and for the addition of a subject or an endorsement if the candidate is:

- An active duty service member of the United States Armed Forces or reserve unit;
- A spouse of an active duty service member of the United States Armed Services or reserve unit;
- A veteran who was honorably discharged or retired from service as a member of the United States Armed Services or reserve unit;
- A spouse of a veteran who was honorably discharged or retired from service as a member of the United States Armed Services or reserve unit; or
- A surviving spouse of a veteran or service member who died while on active duty as a member of the United States Armed Forces or reserve unit.²⁵

²⁰ Section 1004.04, F.S.; and Fla. Admin. Code R. 6A-5.0066.

²¹ Florida Department of Education, *Certificate Additions*, <https://www.fldoe.org/teaching/certification/additions/> (last visited December 10, 2021).

²² Florida Department of Education, Professional Development Certification Programs, <https://www.fldoe.org/teaching/preparation/pdcp.stml> (last visited December 10, 2021).

²³ Section 1012.43, F.S.

²⁴ See s. 1012.39, F.S.; Fla Admin, Code. R. 6A.4.0.44 (2016); 6A.4054 (2016); 6A-4.056 (2016); 6A-4.058 (2000); 6A.4060 (2002); and 6A.4062 (2000).

²⁵ Florida Department of Education, *Military Personnel, Veterans, & Spouses*, <https://www.fldoe.org/teaching/certification/military/> (last visited December 14, 2021). See also Ch. 2018-007, Laws of Fla.)

A fee waiver is valid for up to five years after the veteran or his or her spouse is determined eligible and can be requested online.²⁶

Military Extensions to Certificates

If an educator with a temporary certificate is called to active duty or volunteers, whether in wartime or peacetime, the educator may request an extension of time to his or her temporary certificate equal to the amount of time spent in service.²⁷ A spouse of an active duty service member or reserve unit may also request a two-year military extension to a temporary certificate to complete the requirements for a Professional Certificate where the spouse has demonstrated mastery of general knowledge.²⁸

Federal Troops to Teachers Program

Prior to October 1, 2020, the Department of Defense organized and managed a *Troops to Teachers* program which assisted service members and veterans with new careers as Kindergarten to Grade 12 teachers in public, charter, and Bureau of Indian Affairs schools. From 1993 until the program resources were realigned, more than 100,000 veterans were transitioned into an education career.²⁹ Funding for the program which began in 1993 was scheduled to sunset at the end of federal Fiscal Year 2021 (October 31, 2021) with final payments to participants in May, 2022. The program was recently extended through July 1, 2025, in the National Defense Authorization Act which President Joe Biden signed on December 31, 2021.³⁰

III. Effect of Proposed Changes:

The bill creates an additional eligibility pathway for veterans to achieve initial educator certification for subject area specialization for which the SBE would otherwise require a bachelor's degree, through the following criteria:

- Documentation of 48 months of active-duty military service with an honorable discharge or medical separation; and
- Completion of 60 college credits with evidence of a minimum cumulative grade point average of 2.5 on a 4.0 scale from an accredited institution of higher learning or an unaccredited institution of higher learning which has been identified by the DOE as having a quality program resulting in a bachelor's degree.

If this criteria is met, the bill allows a temporary certificate to be issued covering grades 6-12 for subject area specialization for which a bachelor's degree would otherwise be required. A temporary certificate issued under this pathway is valid for five school fiscal years and is nonrenewable.

²⁶ The value of the current fee waiver is \$75.00 for each waived action. *Id.*

²⁷ Section 1012.56(7)(c), F.S.

²⁸ Section 1012.56(7)(c), F.S.

²⁹ United States Army, *My Army Benefits – Troops to Teachers (TTT) Program*, [https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-\(TTT\)](https://myarmybenefits.us.army.mil/Benefit-Library/Federal-Benefits/Troops-to-Teachers-(TTT)) (last visited December 15, 2021).

³⁰ National Defense Authorization Act Federal Fiscal Year 2022, Pub. L. No. 117-81, §551, 10 U.S.C. 1154 (December 31, 2021).

Additionally, the bill waives certification fees for honorably discharged veterans of the United States Armed Forces or veterans of a reserve component eliminating the current requirement that the veteran have served on active duty to be eligible for a fee waiver.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill removes restrictive language for the waiver of certification fees charged by the DOE opening the waiver to all honorably discharged veterans of the United States Armed Forces or reserve units and not just those who served on active duty.

B. Private Sector Impact:

Private schools that require educational certification for its teachers could potentially see an impact in its pool of candidates if additional veterans choose to follow this eligibility path.

C. Government Sector Impact:

SB 896 expands the eligibility options for educator certification for specified military service members who have completed a minimum number of active-duty military service hours and achieved a minimum number of college credits hours with at least a 2.7 grade point average on 4.0 scale and who can meet other eligibility requirements. The potential availability of additional educators, especially as Florida faces a teacher shortage in

certain regions and in specific instructional subject matters could provide district school board with enhanced options and expanded personnel choices. Experienced military leaders who have mentored and educated military service members for years may have skills and experiences that can translate easily to the classroom and would be a ready-made workforce for Florida's public and charter schools and could address short and long-term workforce needs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The top five instructional needs in Florida's public schools are in the sciences, exceptional student education, reading, technical education, and English according to the most recent critical shortages reports for the 2021-2022 school year.³¹ The critical shortage document identifies that a significant portion of these classes are currently being taught by teachers not certified in the subject matter. While the bill identifies subject matter area specialization where a bachelor's degree would otherwise be required, the bill does not address whether or not any of the credit hours must be in a specific subject area or if any of the specific skills and experiences of service members are intended to mitigate these same critical shortage areas in lieu of any college credits for that subject area specialization.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1012.56 and 1012.59.

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.

³¹ Florida Department of Education, *Identification of Critical Teacher Shortage Areas for 2021-22*, <https://www.fldoe.org/core/fileparse.php/7766/urlt/CTSA2122.pdf> (last visited: December 15, 2021).

By Senator Burgess

20-00922A-22

2022896__

A bill to be entitled

An act relating to educator certification pathways for veterans; amending s. 1012.56, F.S.; expanding eligibility to seek educator certification to specified military servicemembers who have completed a specified education requirement; authorizing the Department of Education to issue a temporary certificate to specified military servicemembers who have completed a specified education requirement; specifying the duration of a temporary certificate for specified military servicemembers; amending s. 1012.59, F.S.; making a technical change; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) and subsection (7) of section 1012.56, Florida Statutes, are amended to read:

1012.56 Educator certification requirements.—

(2) ELIGIBILITY CRITERIA.—To be eligible to seek certification, a person must:

(c) 1. Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained a minimum cumulative at least a 2.5 overall grade point average of 2.5 on a 4.0 scale in the applicant's major field of study; or

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2. Document 48 months of active-duty military service with an honorable discharge or a medical separation and completion of 60 college credits with a minimum cumulative grade point average of 2.5 on a 4.0 scale, as provided by one or more accredited institutions of higher learning or a nonaccredited institution of higher learning identified by the Department of Education as having a quality program resulting in a bachelor's degree or higher.

The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas. The State Board of Education may adopt rules that, for purposes of demonstrating completion of specific certification requirements, allow for the acceptance of college course credits recommended by the American Council for Education (ACE), as posted on an official ACE transcript.

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)–

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59 (h) .

60 b. Holds a master's or higher degree in the area of
61 science, technology, engineering, or mathematics.

62 c. Teaches a high school course in the subject of the
63 advanced degree.

64 d. Is rated highly effective as determined by the teacher's
65 performance evaluation under s. 1012.34, based in part on
66 student performance as measured by a statewide, standardized
67 assessment or an Advanced Placement, Advanced International
68 Certificate of Education, or International Baccalaureate
69 examination.

70 e. Achieves a passing score on the Florida professional
71 education competency examination required by state board rule.

72 3. Meets the applicable requirements of paragraphs (2)(a)-
73 (h) and completes a professional preparation and education
74 competence program approved by the department pursuant to
75 paragraph (8)(c) or an educator preparation institute approved
76 by the department pursuant to s. 1004.85. An applicant who
77 completes one of these programs and is rated highly effective as
78 determined by his or her performance evaluation under s. 1012.34
79 is not required to take or achieve a passing score on the
80 professional education competency examination in order to be
81 awarded a professional certificate.

82 (b) The department shall issue a temporary certificate to
83 any applicant who:

84 1. Completes the requirements outlined in paragraphs

85 (2)(a)-(f); and

86 2. Completes the subject area content requirements
87 specified in state board rule or demonstrates mastery of subject

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88 area knowledge pursuant to subsection (5); and

89 3.a. Holds an accredited degree or a degree approved by the
90 Department of Education at the level required for the subject
91 area specialization in state board rule; or

92 b. For a subject area specialization for which the state
93 board otherwise requires a bachelor's degree, has completed 48
94 months of active-duty military service with an honorable
95 discharge or medical separation and 60 college credits with a
96 minimum cumulative grade point average of 2.5 on a 4.0 scale, as
97 provided by one or more accredited institutions of higher
98 learning or a nonaccredited institution of higher learning that
99 the Department of Education has identified as having a quality
100 program resulting in a bachelor's degree or higher.

101 (c) The department shall issue one nonrenewable 2-year
102 temporary certificate and one nonrenewable 5-year professional
103 certificate to a qualified applicant who holds a bachelor's
104 degree in the area of speech-language impairment to allow for
105 completion of a master's degree program in speech-language
106 impairment.

107 (d) 1. Except for a temporary certificate issued under sub-
108 paragraph (b)3.b., each temporary certificate is valid for 3
109 school fiscal years and is nonrenewable.

110 2. Each temporary certificate issued under sub-subparagraph
111 (b)3.b. is valid for 5 school fiscal years and is nonrenewable.

112
113 At least 1 year before an individual's temporary certificate is
114 set to expire, the department shall electronically notify the
115 individual of the date on which his or her certificate will
116 expire and provide a list of each method by which the

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117 qualifications for a professional certificate can be completed.
118 The State Board of Education shall adopt rules to allow the
119 department to extend the validity period of a temporary
120 certificate for 2 years when the requirements for the
121 professional certificate were not completed due to the serious
122 illness or injury of the applicant, the military service of an
123 applicant's spouse, other extraordinary extenuating
124 circumstances, or if the certificateholder is rated highly
125 effective in the immediate prior year's performance evaluation
126 pursuant to s. 1012.34 or has completed a 2-year mentorship
127 program pursuant to s. 1012.56(8). The department shall extend
128 the temporary certificate upon approval by the Commissioner of
129 Education. A written request for extension of the certificate
130 shall be submitted by the district school superintendent, the
131 governing authority of a university lab school, the governing
132 authority of a state-supported school, or the governing
133 authority of a private school.

134 Section 2. Paragraph (c) of subsection (3) of section
135 1012.59, Florida Statutes, is amended to read:

136 1012.59 Certification fees.—

137 (3) The State Board of Education shall waive initial
138 general knowledge, professional education, and subject area
139 examination fees and certification fees for:

140 (c) An honorably discharged veteran of the United States
141 Armed Forces or a veteran of a reserve component thereof ~~who~~
142 ~~served on active duty~~ and the spouse or surviving spouse of such
143 a veteran.

144 Section 3. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

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

Subject: Committee Agenda Request

Date: November 30, 2021

I respectfully request that **Senate Bill #896**, relating to Educator Certification Pathways for Veterans , be placed on the:

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

A handwritten signature in cursive script, appearing to read "Danny", is written above a horizontal line.

Senator Danny Burgess
Florida Senate, District 20

The Florida Senate

APPEARANCE RECORD

1-11-2022

Meeting Date

Military & Veterans Affairs

Committee

0896

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Cathy Boehme

Phone 850-224-2078

Address 213 S. Adams St.

Email cathy.boehme@floridasee.org

Street

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City

State

32301

Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Education Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

S-001 (08/10/2021)

January 11, 2022

Meeting Date

Military & Veteran Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

896

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dan Hendrickson, Tall. Vet.Legal Collaborative Phone 850/ 570-1967

Address 319 Park Ave Email danbhendrickson@comcast.net
Street

Tallahassee Fl 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

1/11/2022

Meeting Date

Military and Veterans Affairs, Space, and Domestic Security

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

896

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Elizabeth Berglin** Phone **305-646-7093**

Address **3250 Southwest Third Ave** Email **bergline@unitedwaymiami.org**

Street

Miami

City

Florida

State

33129

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

United Way Miami

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

896

Bill Number or Topic

1-11-2022

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Rick Owen

Phone

850-488-8276

Address

307 E. 7th Ave

Email

Rick@UWOF.ORG

Street

TALLAHASSEE

FL

32303

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:☐I am appearing without
compensation or sponsorship.☒I am a registered lobbyist,
representing:

United Way of FLORIDA

☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

Major General Hartsell began his Marine Corps career in 1981 as an Enlisted Marine and served with 3rd Force Reconnaissance Company, Mobile AL. Upon graduation from University of South Alabama he was commissioned a 2nd Lieutenant in 1983. After completing The Basic School and Infantry Officer Course he was assigned to 2nd Battalion 3rd Marines in Kaneohe Bay HI where from 1984-1987 he served as a Rifle Platoon Commander, Anti-Armor Platoon Commander, Battalion S-2, Rifle Company & Weapons Company Executive Officer.

From 1987-1990 he served as a Series Commander and Company Commander at MCRD Parris Island SC. In 1989 he was assigned as the OIC of the Parris Island Shooting Team and in 1990 joined the Marine Corps Pistol Team in Quantico VA and earned his Distinguished Pistol Badge. He attended the Amphibious Warfare School in Quantico VA from 1990-91 and then served as a Rifle Company Commander with 1st Battalion 6th Marines in Camp Lejeune NC from 1991-93 and participated in Operation Provide Promise as part of 22 MEU (SOC). In 1993 he was assigned to II MEF Special Operations Training Group Amphibious Raids Branch.

In 1994 he transitioned to the Marine Corps Reserve and joined 3rd Battalion 23d Marines where he served as a Rifle Company Commander and then from 1998-2000 he served as the Battalion's S3A and then Operations Officer. In 2001 he was assigned as the Commanding Officer of 4th Reconnaissance Battalion in San Antonio TX. During this tour he was activated from March - August 2003 in support of Operation Iraqi Freedom 1 taking on the additional role of Battalion Inspector-Instructor.

In 2004 he was mobilized in support of Operation Iraqi Freedom 2 and deployed with 1st Marine Division as the Division's Senior Liaison Officer to I Marine Expeditionary Force in Al-Anbar Iraq. From 2005-2007 he served as a member and then OIC of the 4th Marine Division Forward-West in Camp Pendleton CA. From 2008-2010 he was assigned as the II Marine Expeditionary Force Command Element IMA Chief of Staff in Camp Lejeune NC and during this tour was mobilized in support of Operation Enduring Freedom and deployed to Afghanistan as the 2nd Marine Expeditionary Brigade Senior Liaison Officer to the NATO Regional Command - South.

Upon promotion to Brigadier General in 2010 he was assigned as the Deputy Commanding General, 1st Marine Expeditionary Force (Mobilization). He then served as Commanding General of 4th Marine Division from 2012-2014. From 2014-2018 he was assigned as a senior Joint Flag Officer in the US Pacific Command where he served as the Mobilization Assistant to the Commander, as J5 Strategic Planning & Policy Director, as Chief of Staff, and also as the Director of the Asia Pacific Center for Security Studies. In 2018 he retired after 37 years of faithful service to the Marine Corps and our Nation.

Major General Hartsell is a graduate of the Amphibious Warfare School, Marine Corps Command & Staff College, Naval War College & National Defense University Courses, NATO Joint Warfare Course, Darden School of Business Executive Business Strategic Thinking Course, Army War College Land Component Commander Course, Air War College Air Component Commander Course, Joint Flag Officer Warfighter Course, Special Operations Command Special Operations Component Commander Course, Asia Pacific Center for Security Studies Transnational Security Cooperation Course, John F. Kennedy School of Government US-Russia Security Program, Center for Creative Leadership's Leadership at the Peak and National Defense University CAPSTONE.

His awards include the Defense Superior Service Medal, Legion of Merit, Bronze Star, Meritorious Service Medal, Navy & Marine Corps Commendation Medal with gold star, Army Commendation Medal, Combat Action Ribbon with gold star, and the Distinguished Pistol Badge.

Major General Hartsell's 22 year civilian career in the Healthcare Industry included serving in Marketing, Product Management, US & Global Business Development, Hospital Administration, and Healthcare Leadership. Upon retirement from the Corps, he moved back to his home State of Florida and joined the Pasco Sheriff Office where he stood up the Future Operations division, and in April 2019 he assumed his current role as the Deputy Executive Director of the Florida Department of Veterans Affairs.

STATE OF FLORIDA
DEPARTMENT OF STATE

Division of Elections

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

James Hartsell

is duly appointed

**Executive Director,
Department of Veterans' Affairs**

for a term beginning on the Twenty-Seventh day of April, A.D.,
2021, to serve at the pleasure of the Governor and Cabinet and
is subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fourth day of May, A.D., 2021.*

Laurel M. Lee

Secretary of State



RON DESANTIS
GOVERNOR

RECEIVED

2021 APR 28 AM 10:46

OFFICE OF THE GOVERNOR
TALLAHASSEE, FLORIDA

April 27, 2021

Secretary Laurel M. Lee
Department of State
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Lee:

Please be advised I have made the following appointment under the provisions of Section 20.37, Florida Statutes:

Major General James Hartsell
3837 Swans Landing Drive
Land O' Lakes, Florida 34639

as Executive Director of the Department of Veterans' Affairs, subject to confirmation by the Senate. This appointment is effective April 27, 2021.

Sincerely,

A handwritten signature of Ron DeSantis in black ink.

Ron DeSantis
Governor

RD/kk

HAND DELIVERED

OATH OF OFFICE

RECEIVED

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

2021 MAY 24 AM 10:25

County of Leon

DIVISION OF ELECTIONS
TALLAHASSEE, FL

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

Executive Director, Department of Veterans' Affairs

(Title of Office)

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

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

[Signature]
Signature

Sworn to and subscribed before me by means of ☒ physical presence or
online notarization, this 4th day of May, 2021.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Lillian Dupree
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

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

Mailing Address: ☐ Home ☒ Office

400 S. Monroe St. Ste. 2105
Street or Post Office Box

Tallahassee, FL 32399
City, State, Zip Code

JAMES S. HARTSELL
Print Name

[Signature]
Signature

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of

James S. Hartsell

Executive Director of Department of Veterans' Affairs

NOTICE OF HEARING

TO: Major General James S. Hartsell

YOU ARE HEREBY NOTIFIED that the Committee on Military and Veterans Affairs, Space, and Domestic Security of the Florida Senate will conduct a hearing on your executive appointment on Tuesday, January 11, 2022, in the Mallory Horne Committee Room, 37 Senate Building, commencing at 4:00 p.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 6th day of January, 2022

Committee on Military and Veterans Affairs,
Space, and Domestic Security



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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

11 JAN 2021

Meeting Date

Bill Number (if applicable)

Topic Senate Confirmation Hearing

Amendment Barcode (if applicable)

Name James "Hammer" Hartsell, Major General, USMC (Ret)

Job Title Deputy Executive Director

Address 400 S. Monroe Street Ste 2105

Phone 850-487-1533

Street

Tallahassee

FL

32399

Email HartsellJ@FDVA.State.FL.US

City

State

Zip

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Department of Veterans' Affairs

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

January 11, 2022

Meeting Date

Military & Veteran Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

Gen. Hartsell's Confirmation

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dan Hendrickson, Tall. Vet. Legal Collaborative

Phone 850/ 570-1967

Address 319 Park Ave
Street

Email danbhendrickson@comcast.net

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Military Affairs and Veterans Affairs, Space and Domestic Security Committee **Judge:**

Started: 1/11/2022 4:01:42 PM

Ends: 1/11/2022 4:51:41 PM **Length:** 00:50:00

4:01:40 PM Meeting called to order by Chair Wright
4:01:55 PM Roll Call by CAA Lois Graham
4:02:02 PM Quorum announced
4:02:09 PM Chair Wright leads the Pledge of Allegiance
4:02:31 PM Chair Wright with opening comments
4:03:04 PM Tab 7 - Confirmation Hearing
4:03:15 PM Major General James Hartsell, Deputy Executive Director - Florida Department of Veterans' Affairs with oath
4:03:30 PM General Hartsell addresses the Committee
4:06:50 PM Senator Burgess with question
4:06:58 PM Major General Hartsell responds
4:07:04 PM Appearance Forms
4:07:08 PM Dan Hendrickson waives in support
4:07:27 PM Major General Hartsell with closing comments
4:07:34 PM Motion to recommend confirmation
4:07:51 PM Roll call on confirmation of Major General Hartsell
4:08:04 PM Confirmation is favorable
4:08:19 PM Chair with comments
4:08:29 PM Tab 2 SB 438 - United States Space Force by Senator Burgess
4:08:44 PM Senator Burgess explains the bill
4:09:48 PM Strike-all amendment SA 870798 by Senator Burgess
4:10:23 PM Senator Burgess waives close on amendment
4:10:34 PM Amendment is adopted
4:10:38 PM Senator Cruz with question
4:10:46 PM Senator Burgess responds
4:11:36 PM Senator Burgess waives close on amendment
4:11:46 PM Roll call on CS/SB 438
4:11:52 PM CS/SB 438 is reported favorably
4:12:05 PM Tab 6 SB 896 - Educator Certification Pathways for Veterans by Senator Burgess
4:12:20 PM Senator Burgess explains the bill
4:13:51 PM Senator Harrell with question
4:14:03 PM Senator Burgess responds
4:15:52 PM Senator Harrell with follow-up
4:15:58 PM Senator Burgess responds
4:16:03 PM Senator Harrell with follow-up
4:16:05 PM Senator Burgess responds
4:16:14 PM Senator Gibson with question
4:16:21 PM Senator Burgess responds
4:17:03 PM Appearance Forms
4:17:07 PM Cathy Boehme Florida Education Association, speaks with information
4:20:29 PM Dan Hendrickson -Tallahassee Veterans Legal Collaborative, speaks in support
4:23:12 PM Elizabeth Berglin, United Way of Miami, waives in support

4:23:28 PM Rick Owen, United Way of Florida, waives in support
4:23:37 PM Senator Gibson in debate
4:26:12 PM Senator Harrell in debate
4:26:52 PM Senator Burgess closes on bill
4:28:50 PM Roll call on SB 896
4:29:52 PM SB 896 is reported favorably
4:30:02 PM Tab 3 SB 554-Educational Opportunities for Disabled Veterans by Senator Cruz
4:30:19 PM Senator Cruz explains the bill
4:32:40 PM Senator Harrell with question
4:32:56 PM Senator Cruz responds
4:33:52 PM Amendment 750836 by Senator Cruz
4:34:09 PM Senator Cruz explains the amendment
4:34:45 PM Senator Cruz waives close on amendment
4:34:55 PM Amendment is adopted
4:35:01 PM Back on bill as amended
4:35:09 PM Appearance Forms
4:35:13 PM Dan Hendrickson waives in support
4:35:20 PM Elizabeth Berglin waives in support
4:35:26 PM Rick Owen waives in support
4:35:38 PM Senator Cruz closes on bill
4:35:48 PM Roll call on CS/SB 554
4:35:59 PM CS/SB 554 is reported favorably
4:36:12 PM Tab 4 SB 562- Military Occupational Licensure by Senator Cruz
4:36:33 PM Senator Cruz explains the bill
4:37:51 PM Senator Harrell with question
4:38:01 PM Senator Cruz responds
4:38:50 PM Senator Harrell with question
4:38:52 PM Senator Cruz responds
4:38:57 PM Appearance Forms
4:39:00 PM Dan Hendrickson waives in support
4:39:01 PM Elizabeth Berglin waives in support
4:39:07 PM Rick Owen waives in support
4:39:17 PM Senator Cruz closes on the bill
4:39:34 PM Roll call on SB 562
4:40:11 PM SB 562 is reported favorably
4:40:26 PM Gavel turned over to Vice-Chair Harrell
4:40:57 PM Tab 1 SB 430 - Interstate Compact on Educational Opportunity for Military Children by Chair Wright
4:41:11 PM Chair Wright explains the bill
4:42:20 PM Amendment 137460 by Chair Wright
4:42:29 PM Chair Wright explains the amendment
4:42:38 PM Appearance Forms
4:43:18 PM Shan Goff waives in support
4:43:38 PM Amendment is adopted
4:43:42 PM Back on bill as amended
4:43:53 PM Appearance Forms
4:43:57 PM Dan Hendrickson waives in support
4:44:07 PM Shan Goff waives in support
4:44:24 PM Damaris Allen, Florida PTA, waives in support
4:44:29 PM Jimmie Smith, Concerned Veterans For America waives in support
4:44:40 PM Phillip Suderman waives in support
4:45:30 PM Chair Wright waives close

4:45:38 PM Roll call on CS/SB 430
4:45:48 PM CS/SB 430 is reported favorably
4:46:02 PM Tab 5 SM 826-Florida National Guard by Chair Wright
4:46:16 PM Chair Wright explains the bill
4:47:32 PM Senator Torres in debate
4:48:06 PM Senator Gibson in debate
4:48:19 PM Senator Harrell in debate
4:50:04 PM Chair Wright waives close
4:50:22 PM Roll Call on SM 826
4:50:28 PM SM 826 is reported favorably
4:50:38 PM Gavel returned to Chair Wright
4:50:52 PM Senator Burgess makes motion to be recorded on vote - Tabs 1 and 5
4:51:13 PM Motion adopted
4:51:25 PM Senator Harrell moves to adjourn
4:51:31 PM Meeting adjourned