The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

MILITARY AND VETERANS AFFAIRS, SPACE, AND DOMESTIC SECURITY

Senator Altman, Chair
Senator Gibson, Vice Chair

MEETING DATE: Tuesday, March 17, 2015
TIME: 9:00 — 10:30 a.m.
PLACE: Mallory Homz Committee Room, 37 Senate Office Building

MEMBERS: Senator Altman, Chair; Senator Gibson, Vice Chair; Senators Evers, Sachs, and Stargel

<table>
<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>SB 184</td>
<td>Federal Write-in Absentee Ballot; Authorizing absent uniformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; prohibiting the supervisor of elections from canvassing federal write-in absentee ballots from overseas voters in certain elections until 10 days after the date of the election; revising minimum requirements for Department of State rules used to determine what constitutes a valid vote on a federal write-in absentee ballot, etc.</td>
<td>EE 03/10/2015 Favorable</td>
</tr>
<tr>
<td></td>
<td>Evers</td>
<td></td>
<td>MS 03/17/2015 Favorable</td>
</tr>
<tr>
<td></td>
<td>(Identical H 109, Compare H 1161)</td>
<td></td>
<td>FP</td>
</tr>
<tr>
<td>2</td>
<td>SB 1296</td>
<td>Military and Veterans Affairs; Creating the Military and Overseas Voting Assistance Task Force within the Department of State; providing legislative findings regarding continuing education for veterans of the United States Armed Forces; requiring the application form for an original, renewal, or replacement driver license or identification card to include a voluntary checkoff permitting certain veterans to request written information for federal, state, and local veteran services programs, etc.</td>
<td>MS 03/10/2015 Temporarily Postponed</td>
</tr>
<tr>
<td></td>
<td>Bean</td>
<td></td>
<td>MS 03/17/2015 Favor/CS</td>
</tr>
<tr>
<td></td>
<td>(Similar H 1091, Compare H 7055)</td>
<td></td>
<td>EE AP</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fav/CS Yeas 4 Nays 0</td>
</tr>
</tbody>
</table>

Consideration of proposed bill:

3 SPB 7052

Ad Valorem Tax Exemption for Deployed Servicemembers; Expanding the military operations that qualify a servicemember deployed in support of such an operation in the previous calendar year for an additional ad valorem tax exemption; providing an extended deadline and specifying procedures for filing an application for such tax exemption for a qualifying deployment during the 2014 calendar year, etc.

Submitted as Committee Bill Yeas 5 Nays 0
I. **Summary:**

SB 184 expands the use of the Federal Write-in Absentee Ballot (FWAB) to include state constitutional amendments, local ballot measures, and judicial merit retention elections. In addition, the bill delays the canvassing of an FWAB until 10 days after the presidential preference primary or general election. This will allow the elector’s original ballot to be counted [in lieu of an FWAB] if it is received during that 10-day window (provided it is otherwise proper).

The FWAB is considered a “ballot of last resort” for absent, active-duty military (and their families) and overseas citizens who timely request, but fail to receive, an official absentee ballot from their county supervisor of elections.

The bill takes effect July 1, 2015.

II. **Present Situation:**

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

---

\(^1\) From its inception in 1986 (Uniformed and Overseas Citizens Absentee Voting Act [UOCAVA]) until it was amended effective 2010, the FWAB was mandated only for federal general elections. See, U.S. Dep’t of Justice, Civil Rights Division web site at [http://www.justice.gov/crt/about/vot/misc/activ_uoc.php](http://www.justice.gov/crt/about/vot/misc/activ_uoc.php) (last visited March 11, 2015). In 2010, the federal Military and Overseas Voter Empowerment Act (MOVE) expanded the required use of the FWAB to all federal elections, including primaries. *Id*; see also, 42 U.S.C. s. 1973ff-1(a).
In 2011, Florida expanded the FWAB’s “ballot-of-last-resort” use beyond just federal elections to include state and local elections involving two or more candidates. At the time, the FWAB was designed solely for candidate races, with lines for designating candidates’ names and offices sought; it did not embrace ballot elections requiring a voter’s affirmation or rejection. In August 2013, the federal government modified the FWAB form to specifically include spaces for “Ballot Initiatives” and the “Initiative Vote.”

The canvassing of an FWAB that otherwise meets all the legal requirements for validity is a bit confusing, especially when both an FWAB and the elector’s original absentee ballot are received: timing is determinative.

- If the only ballot a supervisor timely receives from an elector is the FWAB, it is counted.
- If the supervisor receives both an FWAB and the elector’s official absentee ballot by 7 p.m. on Election Day, then the elector’s official ballot is counted.
- If the only ballot a supervisor receives from an elector by 7 pm on Election Day is the FWAB, then the FWAB is counted — regardless of whether the elector’s original ballot is subsequently received within a special 10-day validity window after Election Day that the statutes provide for the presidential preference primary and general election.

III. Effect of Proposed Changes:

SB 184 eliminates Florida’s “multi-candidate restriction,” and authorizes the FWAB as a “ballot of last resort” for eligible voters in all federal, state, and local elections — including statewide constitutional initiatives, local ballot measures, and judicial merit retention elections for the Florida Supreme Court and district courts of appeal. It specifically directs that votes cast in judicial retention elections be treated in the same manner as ballot measures requiring a “yes” or “no” vote. Finally, it requires the Department of State to adopt rules prescribing what markings, symbols, or language on the FWAB constitute a valid vote with regard to these new elections.

In addition, the bill delays the canvassing of an FWAB until 10 days after the presidential preference primary or general election, so that the elector’s original ballot can be counted (in lieu of the FWAB) if it is received during that 10-day window (provided it is otherwise legal and proper). This should allow the canvassing board to better determine a voter’s intent (in most cases) and to more efficiently and accurately canvass the votes — since the ballot doesn’t have to duplicated to run through the tabulators.

The bill takes effect July 1, 2015.

---

2 Eligible military or overseas voter must have timely requested and not received an official absentee ballot in order to vote by FWAB. Section 101.6952(2)(a), F.S.
3 Ch. 2011-162, Laws of Fla.
5 Section 101.6952(3)(b), F.S.
6 An absentee ballot from an overseas elector in a presidential preference primary or general election will count if it is received up to 10 days after the date of the election, provided it is postmarked or dated no later than Election Day. Section 101.6952(5), F.S.
7 The form of the original ballot is pre-printed with specific information for each contest (i.e., candidate names, designated arrows/ovals, better headers, less-confusing spacing).
IV. Constitutional Issues:
   A. Municipality/County Mandates Restrictions:
      None.
   B. Public Records/Open Meetings Issues:
      None.
   C. Trust Funds Restrictions:
      None.

V. Fiscal Impact Statement:
   A. Tax/Fee Issues:
      None.
   B. Private Sector Impact:
      None.
   C. Government Sector Impact:
      None.

VI. Technical Deficiencies:
    None.

VII. Related Issues:
     None.

VIII. Statutes Affected:
      This bill substantially amends the following sections of the Florida Statutes: 101.6952 and 102.166.

IX. Additional Information:
   A. Committee Substitute – Statement of Changes:
      (Summarizing differences between the Committee Substitute and the prior version of the bill.)
      None.
B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to the federal write-in absentee ballot; amending s. 101.6952, F.S.; authorizing absent uniformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; authorizing an elector to vote on any ballot measure in an election using the federal write-in absentee ballot under certain circumstances; specifying that a vote cast in a judicial merit retention election is treated in the same manner as a vote on certain ballot measures; allowing for variations in the name of a ballot measure; prohibiting the supervisor of elections from canvassing federal write-in absentee ballots from overseas voters in certain elections until 10 days after the date of the election; making technical changes; amending s. 102.166, F.S.; revising minimum requirements for Department of State rules used to determine what constitutes a valid vote on a federal write-in absentee ballot; providing an effective date.

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

Section 1. Subsection (2) and paragraph (b) of subsection (3) of section 101.6952, Florida Statutes, are amended, and subsection (5) of that section is republished, to read:

101.6952 Absentee ballots for absent uniformed services and overseas voters.—

(2) (a) An absent uniformed services voter or an overseas voter who makes timely application for but does not receive an official absentee ballot may use the federal write-in absentee ballot to vote in any federal, election and any state, or local election involving two or more candidates.

(b)1. In an election for federal office, an elector may designate a candidate by writing the name of a candidate on the ballot. Except for a primary or special primary election, the elector may alternatively designate a candidate by writing the name of a political party on the ballot. A written designation of the political party shall be counted as a vote for the candidate of that party if there is such a party candidate in the race.

2. In an election for a state or local election office, an elector may vote in the section of the federal write-in absentee ballot designated for nonfederal races by writing on the ballot the title of each office and by writing on the ballot the name of the candidate for whom the elector is voting. Except for a primary, special primary, or nonpartisan election, the elector may alternatively designate a candidate by writing the name of a political party on the ballot. A written designation of the political party shall be counted as a vote for the candidate of that party if there is such a party candidate in the race. In addition, the elector may vote on any ballot measure presented in such election by identifying the ballot measure on which he or she desires to vote and specifying his or her vote on the measure. For purposes of this section, a vote cast in a judicial merit retention election shall be treated in the same manner as a ballot measure in which the only allowable responses are “Yes”.
(c) In the case of a joint candidacy, such as for the offices of President/Vice President or Governor/Lieutenant Governor, a valid vote for one or both qualified candidates on the same ticket shall constitute a vote for the joint candidacy.

(d) For purposes of this subsection and except when the context clearly indicates otherwise, such as when a candidate in the election is affiliated with a political party whose name includes the word “Independent,” “Independence,” or a similar term, a voter designation of “No Party Affiliation” or “Independent,” or any minor variation, misspelling, or abbreviation thereof, shall be considered a designation for the candidate, other than a write-in candidate, who qualified to run in the race with no party affiliation. If more than one candidate qualifies to run as a candidate with no party affiliation, the designation shall not count for any candidate unless there is a valid, additional designation of the candidate’s name.

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

(b) A federal write-in absentee ballot may not be canvassed until 7 p.m. on the day of the election. A federal write-in absentee ballot from an overseas voter in a presidential preference primary or general election may not be canvassed until the conclusion of the 10-day period specified in subsection (5). Each federal write-in absentee ballot received

CODING: Words underlined are additions; words stricken are deletions.
(b) The Department of State shall adopt specific rules for the federal write-in absentee ballot and for each certified voting system prescribing what constitutes a "clear indication on the ballot that the voter has made a definite choice." The rules shall be consistent, to the extent practicable, and may not:

1. Exclusively provide that the voter must properly mark or designate his or her choice on the ballot; or
2. Contain a catch-all provision that fails to identify specific standards, such as "any other mark or indication clearly indicating that the voter has made a definite choice."

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

1. The appropriate lines or spaces for designating a candidate choice and, for state and local races, the office or ballot measure to be voted, including the proximity of each to the other and the effect of intervening blank lines.
2. The sufficiency of designating a candidate's first or last name when no other candidate in the race has the same or a similar name.
3. The sufficiency of designating a candidate's first or last name when an opposing candidate has the same or a similar name, notwithstanding generational suffixes and titles such as "Jr.," "Sr.," or "III." The rule should contemplate the sufficiency of additional first names and first initials, middle names and middle initials, generational suffixes and titles, nicknames, and, in general elections, the name or abbreviation of a political party.
4. Candidate designations containing both a qualified candidate's name and a political party, including those in which
   - the party designated is the candidate's party, is not the candidate's party, has an opposing candidate in the race, or does not have an opposing candidate in the race.
5. Situations where the abbreviation or name of a candidate is the same as the abbreviation or name of a political party to which the candidate does not belong, including those in which
   - the party designated has another candidate in the race or does not have a candidate in the race.
6. The use of marks, symbols, or language, such as arrows, quotation marks, or the word "same" or "ditto," to indicate that the same political party designation applies to all listed offices or the elector's approval or disapproval of all listed ballot measures.
7. Situations in which an elector designates the name of a qualified candidate for an incorrect office.
8. Situations in which an elector designates an otherwise correct office name that includes an incorrect district number.

Section 3. This act shall take effect July 1, 2015.
The Florida Senate

APPEARANCE RECORD

Meeting Date: 3/17/15

Topic: Federal White Collar

Name: Ron Laspary

Job Title: 

Address: 225 S Adams St.

City: Tallahassee

State: FL

Zip: 32301

Phone: 850-222-7778

Speaking: □ For □ Against □ Information

Representing: □ STATE ASSOC. OF SUPERVISORS OF ELECTIONS

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/14/14)
To: Senator Altman  
Chair, Military and Veterans Affairs, Space and Domestic Security

Subject: Committee Agenda Request

Date: March 10, 2015

I respectfully request that Senate Bill #184, relating to the Federal Write-in Absentee Ballot, be placed on the:

☑ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Greg Evers  
Florida Senate, District 2
Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1296:
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots;
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues;
- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written or electronic information on federal, state, and local benefits and services available to veterans;
- Waives driver license and identification card fees for combat veterans; and
- Removes an existing provision that waives driver license and identification card fees for 100-percent total and permanent service-connected disabled veterans.

II. Present Situation:

Military Overseas Absentee Voters

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

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

Veterans’ Training and Coursework

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.2 In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as is provided by law and appoints the Commissioner of the Department of Education.

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.3

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System (SUS).4 The SUS enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.5

---

1 Section 101.6925, F.S.
2 Section 1001.02(1), F.S.
5 Id.
**College Credit for Military Training and Education**

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military. According to the Florida Administrative Code, all Florida universities and colleges are required, respectively, to establish a policy and process for evaluating military training and education. Pursuant to both the rule and regulation, military training and education must be recognized by the American Council on Education (ACE).

**Priority Course Registration for Veterans**

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

**Voluntary Contributions on Driver License/Identification Card Applications**

The voluntary contribution process, also known as voluntary check-offs, provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new or replacement driver license or identification card. An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require the following:

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

---

6 Chapter 2012-169, Laws of Fla.
7 Chapter 2012-159, Laws of Fla.
8 Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 19 options for voluntary contributions.
9 State funds may not be used to pay the application fee.
There are three veteran or military-related voluntary contributions authorized for driver license and identification card applications. An applicant may elect to contribute $1 to the State Homes for Veterans Trust Fund, the Disabled American Veterans, and Support Our Troops, Inc.\textsuperscript{10}

**The Florida Vets Connect Program**

In 2010, the DHSMV and the Florida Department of Veterans’ Affairs (FDVA) partnered to create the Florida Vets Connect Program to stimulate outreach efforts to veterans in Florida.\textsuperscript{11} Through the Florida Vets Connect Program, veterans have the opportunity to voluntarily identify their veteran status when applying for or renewing a Florida driver license or state of Florida identification card. Beginning in 2010, present on each driver license and identification card application is the option for an individual to indicate status as a veteran and interest in receiving information on benefits, services, and support available to veterans.\textsuperscript{12} The DHSMV and the FDVA entered into a Memorandum of Understanding to facilitate the sharing of a veteran’s contact information from the DHSMV to the FDVA. The FDVA, through a third party provider, distributes general state of Florida veterans’ benefits information via e-mail\textsuperscript{13} to those individuals who request such information on the driver license or identification card application.\textsuperscript{14} The FDVA distributed 50,350 e-mails during the 2014 calendar year under the Vets Connect Program.\textsuperscript{15} E-mails are distributed on a monthly basis.\textsuperscript{16}

**County and City Veteran Service Officers**

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.\textsuperscript{17} Each county currently employs a veteran service officer, however, in some cases, one veteran service officer may service two counties.\textsuperscript{18} There are currently no certified city veteran service officers in Florida.\textsuperscript{19}

\textsuperscript{10} See Section 322.08(7)(n), (o), and (r), F.S.
\textsuperscript{12} Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Steve Murray, Communications Director, Florida Department of Veterans’ Affairs. March 6, 2015.
\textsuperscript{13} According to the FDVA, it is too cost prohibitive to distribute printouts of the veterans’ benefits information via the United States mail.
\textsuperscript{14} Supra note 9.
\textsuperscript{15} E-mail correspondence with FDVA staff on March 5, 2015. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.
\textsuperscript{16} Id.
\textsuperscript{17} Section 292.11(4), F.S.
\textsuperscript{19} E-mail correspondence with FDVA staff on March 6. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.
Driver License and Identification Card Fees

Driver license fees are authorized in s. 322.21, F.S. An original or renewal commercial driver license is $78; and an original renewal or extension of a Class E driver license is $48. The revenues from these fees are deposited into the General Revenue Fund. Other fees established include replacement driver licenses and original, replacement, and renewal identification cards. A replacement drive license is $25. Of this amount, $7 is deposited into the Highway Safety Operating Trust Fund and $18 is deposited into the General Revenue Fund.

An identification card is $25.\textsuperscript{20} Of this amount, the fee distribution varies depending on the type of issuance. The fee for an original identification card is deposited into the General Revenue Fund. From the fee for a renewal identification card, $6 is deposited into the Highway Safety Operating Trust Fund and $19 into the General Revenue Fund; and for a replacement identification card, $9 into the Highway Safety Operating Trust Fund and $16 is deposited into the General Revenue Fund.

Current law requires that driver license issuance services be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.\textsuperscript{21} Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, a tax collector who issues a replacement driver license or replacement identification card may retain the portion the fee that is currently deposited in the Highway Safety Operating Trust Fund, $7 or $9 respectively.\textsuperscript{22}

Fee Exemption for 100-Percent Total and Permanent Service-Connected Disabled Veterans

Section 322.21(7), F.S., provides an exemption from all driver license and identification card fees required by s. 322.21, F.S., for any honorably discharged veteran who: has been issued a valid identification card by the FDVA in accordance with s. 295.17, F.S.;\textsuperscript{23} has been determined by the U.S. Department of Veterans Affairs (USDVA) or the Department of Defense to have a 100-percent total and permanent service-connected disability; and is qualified to obtain a Florida driver license.

Combat Veterans

Section 1.01(14), F.S., defines the term “veteran” as:

“a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.”

\textsuperscript{20} Section 322.21(f), F.S.
\textsuperscript{21} Section 322.135(5), F.S.
\textsuperscript{22} Section 322.21(1)(e) and (1)(f)3., F.S.
\textsuperscript{23} Pursuant to s. 295.17, F.S., the FDVA may issue an identification card to any veteran who is a permanent Florida resident and who has a 100-percent service-connected disability.
The Florida Statutes also defines “wartime veteran”\textsuperscript{24} for the purpose of determining eligibility for certain state benefits, but does not define “combat veteran.”

For the purpose of determining eligibility for certain health care services provided by the USDVA, the U.S. Code defines “combat veteran” as:

“a veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11, 1998.”\textsuperscript{25}

The USDVA considers the following documentation to determine service in a theater of combat operations:\textsuperscript{26}

\begin{itemize}
  \item Military service documentation that reflects service in a combat theater;
  \item Receipt of combat service medals; or\textsuperscript{27}
  \item Receipt of imminent danger or hostile fire pay\textsuperscript{28} or tax benefits.\textsuperscript{29}
\end{itemize}

Florida is home to approximately 1.6 million veterans, of which 1.2 million are considered wartime veterans.\textsuperscript{30} There is no estimate available for the number of combat veterans residing in Florida.\textsuperscript{31}

### III. Effect of Proposed Changes:

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

\textsuperscript{24} s. 1.01(14), F.S. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

\textsuperscript{25} 38 U.S.C. Section 1710(e)(1)(D)

\textsuperscript{26} A combat operation is a military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, or maneuvers needed to gain the objectives of a battle or campaign. Operations Enduring Freedom and Iraqi Freedom are examples of combat operations. Department of Defense: Financial Management Regulation 7000.14 – R, Volume 7a: “Military Pay Policy - Active Duty And Reserve Pay.” p. 13-3. Available at: http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07a.pdf


\textsuperscript{28} Hostile fire pay is defined as pay to anyone exposed to hostile fire or mine explosion, while imminent danger pay is paid to anyone on duty outside the United States area who is subject to physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war. USDVA Veterans Health Administration Directive 2008-054. Available at: http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=1758


\textsuperscript{30} FDVA. Fast Facts. Available at: http://floridavets.org/our-veterans/profilefast-facts/

\textsuperscript{31} E-mail correspondence with FDVA staff on March 18, 2015. On file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee.
The Task Force consists of the following 20 members:

- The Secretary of State or his or her designee, who shall serve as the chair of the Task Force;
- The Adjutant General or his or her designee;
- The executive director of the Florida Department of Veterans’ Affairs, or his or her designee;
- The executive director of the Agency for State Technology or his or her designee;
- One member of the Senate appointed by the President of the Senate;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives;
- One member of the Senate appointed by the Minority Leader of the Senate;
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Governor;
- Six supervisors of elections appointed by the Secretary of State;
- Five individuals appointed by the Secretary of State; and
- Five individuals appointed by the Secretary of State with relevant expertise in computers, the Internet, or other associated technologies.

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

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

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

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

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

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

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

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the USDVA, and other federal and state agencies, and private entities.
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

Section 3 amends s. 322.08, F.S., to provide a voluntary check-off on the application form for an original, renewal, or replacement driver license or identification card to allow veterans of the U.S. Armed Forces to request written or electronic information on federal, state, and local benefits and services available to veterans. The veteran may elect to receive the information through the U.S. mail or by e-mail. The FDVA will select one or more third-party providers to act on the FDVA’s behalf and deliver the requested information to the veteran.

The Department of Highway Safety and Motor Vehicles (DHSMV) and the FDVA will collaborate to administer the voluntary check-off. The DHSMV will report monthly to the FDVA the name and mailing address or e-mail address of each veteran who selects the voluntary check-off. The FDVA will then distribute the veterans’ contact information to the third-party provider to administer delivery of veteran benefit and service information via the indicated preferred method of delivery (U.S. mail or e-mail). The FDVA will also disseminate the contact information for veterans who select the voluntary check-off to the appropriate county or city veteran service officer in order to facilitate further outreach to veterans.

The bill requires that a third-party provider selected by the FDVA to act on its behalf be a nonprofit organization with sufficient ability to communicate with veterans throughout the state. “Nonprofit organization” is defined as an organization exempt from the federal income tax under s. 501 of the Internal Revenue Code of 1986 or any federal, state, or local governmental entity.

Additionally, the bill requires that a veteran’s contact information obtained by a third-party may only be used for purposes outlined in the bill, prohibits a third-party provider from selling a veteran’s contact information, and requires a third-party to maintain confidentiality of the contact information in accordance with ch. 119, F.S., and the federal Driver’s Privacy Protection Act of 1994. Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.

Section 4 amends s. 322.21(7), F.S., to remove the provision that waives the driver license and identification card fees provided in s. 322.21, F.S., for 100-percent total and permanent service-connected disabled veterans who are qualified to obtain a driver license.
The bill provides that any honorably discharged veteran who has served in combat and is qualified to obtain a driver license is exempt from the driver license and identification card fees provided in s. 322.21, F.S.

Section 5 provides an effective date of July 1, 2015.

IV. Constitutional Issues:
   A. Municipality/County Mandates Restrictions:
      None.
   B. Public Records/Open Meetings Issues:
      None.
   C. Trust Funds Restrictions:
      None.

V. Fiscal Impact Statement:
   A. Tax/Fee Issues:
      None.
   B. Private Sector Impact:
      The bill entitles veterans who served in combat and who are qualified to obtain a driver license to a free original, renewal, or replacement driver license or identification card.

      Veterans with a 100-percent total and permanent service-connected disability are no longer entitled to a free original, renewal, or replacement driver license or identification card.

   C. Government Sector Impact:
      The Department of State would be responsible for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force (Task Force) members. Additionally, the Division of Elections within the Department of State will provide support staff for the Task Force. Depending on the scope of the Task Force’s needs, this may require additional full-time employees.\(^\text{32}\)

      There is no estimate available at this time for the cost to implement the veterans’ voluntary check-off program. Program expenses may include postage fees, packaging materials, technical and staff support. The bill does not identify a funding source to pay

\(^{32}\text{Department of State. SB 1296 Agency Bill Analysis. March 6, 2015.}\)
for the implementation of the program and does not specify which entity referenced in the bill is responsible for the costs associated with the program.

The bill will have a negative fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and County Tax Collectors due to loss of revenue collected from driver license and identification card fees for combat veterans. The revenue loss estimate is indeterminate at this time.

The bill will have a positive fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and County Tax Collectors due to the removal of the existing driver license and identification card fee exemption for 100-percent total and permanent service-connected disabled veterans.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not define a “veteran who served in combat” as it relates to the driver license and identification card fee exemption authorized in the bill. The bill also does not identify the appropriate documentation to verify that a veteran served in combat.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.08 and 322.21. This bill creates undesignated sections of the Florida Law.

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 March 17, 2015:

The CS makes the following changes to the veterans voluntary check-off program:

- Replaces “direct-support organization” with “third-party provider” selected by the FDVA to act on its behalf;
- Defines “third-party provider;”
- Allows a veteran to opt to receive the benefit information via U.S. mail or e-mail;
- Provides that only the veteran’s name and mailing address or e-mail address will be shared;
- Removes requirement that a veteran present a DD-214 to be able to participate in the check-off program;
- Changes frequency in which DHSMV will disseminate veterans’ contact information to the FDVA from quarterly to monthly;
- Provides that a third-party provider, instead of a county or city veteran service officer, will distribute the benefit information directly to veterans;
• Requires FDVA to disseminate veterans’ contact information to each county and city veteran service officer for optional outreach to veterans;
• Provides a criminal penalty for any person who sells a veteran’s contact information or who does not maintain confidentiality of a veteran’s contact information; and
• Removes unnecessary redundant language.

The CS also revises the legislative intent regarding college and university student veteran support.

B. Amendments:

None.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 109 - 172

and insert:

1. Align existing degree programs, including, but not limited to, vocational and technical degrees, at each state university and Florida College System institution with applicable military training and experience to maximize academic credit award for such training and experience.

2. Appoint and train specific faculty within each degree
(3) Incorporate outreach services tailored to disabled veterans into existing disability services on the campus of each state university and Florida College System institution to make available to such veterans information on disability services provided by the United States Department of Veterans Affairs, other federal and state agencies, and private entities.

(4) Facilitate statewide meetings for personnel at state universities and Florida College System institutions who provide student services for veterans to discuss and develop best practices, exchange ideas and experiences, and attend presentations by individuals with expertise in the unique needs of veterans.

(5) Make every effort to provide veterans with sufficient courses required for graduation, including, but not limited to, giving priority registration to veterans.

Section 3. Present subsection (8) of section 322.08, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

322.08 Application for license; requirements for license and identification card forms.—

(8)(a) To support the carrying out of the duties of the Department of Veterans’ Affairs prescribed in s. 292.05 and to facilitate outreach to veterans residing in this state, the application form for an original, renewal, or replacement driver license or identification card must include a voluntary checkoff permitting a veteran of the United States Armed Forces to request written or electronic information on federal, state, and
local benefits and services available to veterans. The veteran may elect to receive requested information through United States mail or by e-mail. A county or city veteran service officer shall deliver the requested information to the veteran through a third-party provider acting on behalf of the Department of Veterans’ Affairs. If the veteran does not have access to a county or city veteran service officer, the Department of Veterans’ Affairs shall deliver the requested information to the veteran through a third-party provider acting on its behalf.

(b) The department shall collaborate with the Department of Veterans’ Affairs to administer this subsection. The department shall report monthly to the Department of Veterans’ Affairs the name and mailing address or e-mail address of each veteran who requests information as provided in paragraph (a). Following receipt of the monthly report, the Department of Veterans’ Affairs shall disseminate the contact information for each such veteran to the third-party provider acting on its behalf and the respective county or city veteran service officer. The third-party provider and the county or city veteran service officer shall coordinate delivery of the information requested pursuant to paragraph (a).

And the title is amended as follows:

Delete lines 16 - 31

and insert:

align existing degree programs at state universities and Florida College System institutions, train faculty, incorporate outreach services into existing
disability services, facilitate statewide meetings for personnel, and provide sufficient courses and priority registration to veterans; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include a voluntary checkoff permitting veterans to request written or electronic information on federal, state, and local benefits and services for veterans; requiring a county or city veteran service officer to deliver the requested information; requiring the Department of Veterans’ Affairs to deliver the requested information under certain circumstances; requiring the Department of Highway Safety and Motor Vehicles to collaborate with the Department of Veterans’ Affairs in the administration of the voluntary checkoff program; requiring the Department of Highway Safety and Motor Vehicles to report monthly to the Department of Veterans’ Affairs the names and mailing or e-mail addresses of veterans who request information; requiring the Department of Veterans’ Affairs to disseminate veteran contact information to the third-party provider and respective county or city veteran service officer; requiring the third-party provider and the county or city veteran service officer to coordinate delivery of the requested information; providing an effective date.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Stargel) recommended the following:

Senate Substitute for Amendment (624704) (with title amendment)

Delete lines 109 - 172 and insert:

(1) Align existing degree programs, including, but not limited to, vocational and technical degrees, at each state university and Florida College System institution with applicable military training and experience to maximize academic credit award for such training and experience.
(2) Appoint and train specific faculty within each degree program at each state university and Florida College System institution as liaisons and contacts for veterans.

(3) Incorporate outreach services tailored to disabled veterans into existing disability services on the campus of each state university and Florida College System institution to make available to such veterans information on disability services provided by the United States Department of Veterans Affairs, other federal and state agencies, and private entities.

(4) Facilitate statewide meetings for personnel at state universities and Florida College System institutions who provide student services for veterans to discuss and develop best practices, exchange ideas and experiences, and attend presentations by individuals with expertise in the unique needs of veterans.

(5) Make every effort to provide veterans with sufficient courses required for graduation, including, but not limited to, giving priority registration to veterans.

Section 3. Present subsection (8) of section 322.08, Florida Statutes, is redesignated as subsection (9), and a new subsection (8) is added to that section, to read:

322.08 Application for license; requirements for license and identification card forms.—

(8)(a) To support the carrying out of the duties of the Department of Veterans’ Affairs prescribed in s. 292.05 and to facilitate outreach to veterans residing in this state, the application form for an original, renewal, or replacement driver license or identification card must include a voluntary checkoff authorizing a veteran of the United States Armed Forces to
request written or electronic information on federal, state, and local benefits and services available to veterans. The veteran may elect to receive requested information through United States mail or by e-mail. The requested information shall be delivered to the veteran by a third-party provider acting on behalf of the Department of Veterans’ Affairs.

(b) The department shall collaborate with the Department of Veterans’ Affairs to administer this subsection. The department shall report monthly to the Department of Veterans’ Affairs the name and mailing address or e-mail address of each veteran who requests information as provided in paragraph (a). Following receipt of the monthly report, the Department of Veterans’ Affairs shall disseminate the contact information for each such veteran to the third-party provider acting on its behalf. The third-party provider must be a nonprofit organization with sufficient ability to communicate with veterans residing throughout this state. For purposes of this paragraph, the term “nonprofit organization” means an organization exempt from the federal income tax under s. 501 of the Internal Revenue Code of 1986 or any federal, state, or local governmental entity.

(c) In addition to the requirements of paragraph (b), the Department of Veterans’ Affairs shall disseminate the contact information for a veteran who selects the voluntary checkoff to the appropriate county or city veteran service officer in order to facilitate further outreach to veterans.

(d)1. The contact information of a veteran which is obtained by a third-party provider pursuant to this subsection may be used only as authorized by this subsection. The third-party provider may not sell such contact information. Except as
otherwise provided, the third-party provider must maintain the
confidentiality of the contact information in accordance with
chapter 119 and the federal Driver’s Privacy Protection Act of
1994, 18 U.S.C. ss. 2721 et seq.

2. A person who willfully and knowingly violates this
paragraph commits a misdemeanor of the first degree, punishable
as provided in s. 775.082 or s. 775.083.

And the title is amended as follows:

Delete lines 16 - 31
and insert:

align existing degree programs at state universities
and Florida College System institutions, train
faculty, incorporate outreach services into existing
disability services, facilitate statewide meetings for
personnel, and provide sufficient courses and priority
registration to veterans; amending s. 322.08, F.S.;
requiring the application form for an original,
renewal, or replacement driver license or
identification card to include a voluntary checkoff
authorizing veterans to request written or electronic
information on federal, state, and local benefits and
services for veterans; requiring the requested
information to be delivered by a third-party provider;
requiring the Department of Highway Safety and Motor
Vehicles to report monthly to the Department of
Veterans’ Affairs the names and mailing or e-mail
addresses of veterans who request information;
requiring the Department of Veterans’ Affairs to disseminate veteran contact information to the third-party provider; requiring that the third-party provider be a nonprofit organization; defining the term “nonprofit organization”; requiring that the Department of Veterans’ Affairs provide veteran contact information to the appropriate county or city veteran service officer; specifying that a third-party provider may use veteran contact information only as authorized; prohibiting a third-party provider from selling veteran contact information; requiring a third-party provider to maintain confidentiality of veteran contact information under specified provisions; providing a penalty; providing an effective date.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Altman) recommended the following:

**Senate Amendment to Substitute Amendment (444302)**

1. Delete lines 44 - 45
2. and insert:
3. to the veteran by any third party provider selected by the
4. Department of Veterans' Affairs to act on its behalf.
The Committee on Military and Veterans Affairs, Space, and Domestic Security (Sachs) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 172 and 173
insert:

Section 4. Subsection (7) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(7) Any veteran honorably discharged from the Armed Forces who has served in combat been issued a valid identification card
by the Department of Veterans' Affairs in accordance with s. 295.17, has been determined by the United States Department of Veterans Affairs or its predecessor to have a 100-percent total and permanent service-connected disability rating for compensation, or has been determined to have a service-connected total and permanent disability rating of 100 percent, is in receipt of disability retirement pay from any branch of the United States Armed Services, and who is qualified to obtain a driver license under this chapter is exempt from all fees required by this section.

And the title is amended as follows:

Delete line 31

and insert:

services; amending s. 322.21, F.S.; revising eligibility for veterans for exemptions from certain license fees; providing an effective date.
Florida Senate - 2015  
By Senator Bean

A bill to be entitled An act relating to military and veterans affairs; creating the Military and Overseas Voting Assistance Task Force within the Department of State; specifying membership of the task force; authorizing reimbursement for per diem and travel expenses; prescribing duties of the task force; requiring submission of a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; providing for staffing; preparing certain claims and securing certain services; providing an effective date.

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

Section 1. Military and Overseas Voting Assistance Task Force.—The Military and Overseas Voting Assistance Task Force, a task force as defined in s. 20.03, Florida Statutes, is created within the Department of State. The task force is created for the express purpose of studying issues involving the development and implementation of an online voting system that allows absent uniformed services voters to electronically submit voted ballots.

(i) The task force is composed of 20 members, as follows:
(a) The Secretary of State or his or her designee, who shall serve as chair of the task force.
(b) The Adjutant General or his or her designee.
(c) The executive director of the Department of Veterans’ Affairs or his or her designee.
(d) The executive director of the Agency for State Technology or his or her designee.
(e) One member of the Senate appointed by the President of the Senate.
(f) One member of the House of Representatives appointed by the Speaker of the House of Representatives.
(g) One member of the Senate appointed by the Minority Leader of the Senate.
(h) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.
Section 2. The Legislature finds that many veterans of the United States Armed Forces in this state have completed training and coursework during their military service, including overseas deployments, resulting in tangible and quantifiable strides in their pursuit of a postsecondary degree. The Legislature further finds that the State Board of Education and the Board of Governors of the State University System must work together to ensure that military training and coursework are granted academic credit in order to assist veterans in continuing their education. Therefore, it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to:

(1) Establish degree programs, including, but not limited to, vocational and technical degrees, at each state university and Florida College System institution that awards academic credit for military training and experience.

(2) Appoint and train specific faculty within each degree program at each state university and Florida College System institution as liaisons and contacts for veterans.

(3) Coordinate existing disability services on the campus and Florida College System institution as liaisons and contacts for veterans.

(a) Any factor that limits the ability of absent uniformed services voters to request, receive, and return absentee ballots within the current statutory time period for casting absentee ballots.

(b) The costs associated with the development and implementation of an online voting system.

(c) The feasibility of absent uniformed services voters using an online voting system to electronically submit a voted ballot.

(d) The security of electronically submitting a voted ballot through an online voting system.

(e) Procedures adopted by other states to facilitate greater electoral participation among absent uniformed services voters.

(4) The Secretary of State shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, containing the task force’s recommendation concerning whether the state should pursue the development and implementation of an online voting system that allows absent uniformed services voters to electronically submit voted ballots. If the task force favorably recommends an online voting system, the report must include recommended steps for developing and implementing such a system. Upon submission of the report, the task force shall expire.

(5) The Division of Elections of the Department of State shall provide support staff for the task force. The Agency for State Technology shall assist the task force upon request.

The task force, at a minimum, shall study and report on the following issues:

(i) One member appointed by the Governor.

(ii) Six supervisors of elections appointed by the Secretary of State.

(k) Five individuals appointed by the Secretary of State, with relevant expertise in computers, the Internet, or other associated technologies.

(2) Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(3) The task force shall provide support staff for the task force. The Agency for State Technology shall assist the task force upon request.

Upon submission of the report, the task force shall expire.

The Legislature further recommends an online voting system that all absent uniformed services voters may use to vote.

The costs associated with the development and implementation of an online voting system shall be the responsibility of the State of Florida.
of each state university and Florida College System institution
with veteran disability services provided by the United States
Department of Veterans Affairs, other federal and state
agencies, and private entities.

(4) Facilitate statewide meetings for personnel at state
universities and Florida College System institutions who provide
student services for veterans to discuss and develop best
practices, exchange ideas and experiences, and hear
presentations by individuals with expertise in the unique needs
of veterans.

(5) Make every effort to provide veterans with sufficient
courses required for graduation, including, but not limited to,
giving priority registration to veterans.

Section 3. Present subsection (8) of section 322.08,
Florida Statutes, is redesignated as subsection (9), and a new
subsection (8) is added to that section, to read:

322.08 Application for license; requirements for license
and identification card forms.—

(8) (a) To facilitate outreach by the Department of
Veterans’ Affairs, the application form for an original,
renewal, or replacement driver license or identification card
must include a voluntary checkoff permitting an honorably
discharged member of the United States Armed Forces to request
written information for federal, state, and local veteran
services programs from a county or city veteran service officer
through a direct-support organization or, if the veteran is not
under the jurisdiction of a county or city veteran service
officer, the Department of Veterans’ Affairs.

(b) The department shall work with the Department of

CODING: Words underlined are additions; words stricken are deletions.
The Florida Senate
APPEARANCE RECORD

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

Meeting Date 3/17/15

Bill Number (if applicable) SB 1296

Topic Veteran & Military Affairs

Name Col. Mike Prendergast

Job Title Executive Director

Address Suite 2105, The Capitol

Phone (850) 487-1533

City Tallahassee

State FL

Zip 32399

Email ecoli@fdva.state.fl.us

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.
SPB 7052 amends s. 196.173, F.S., to update the designated operations for which deployed servicemembers may qualify for an additional ad valorem tax exemption. The changes are based upon the report required to be delivered by the Department of Military Affairs to the Legislature of all known and unclassified military operations outside the continental United States, Alaska, or Hawaii for which servicemembers based in the continental United States have been deployed during the previous calendar year. The bill adds the following to the statutory list of operations:

- Operation Joint Guardian
- Operation Octave Shield
- Operation Trans-Sahara Counterterrorism Partnership
- Operation Nomad Shadow
- Operation U.S. Airstrikes Al Qaeda in Somalia
- Operation Objective Voice
- Operation Georgia Deployment Program
- Operation Copper Dune
- Operation Observant Compass
- Operation Juniper Shield
- Operation Inherent Resolve

The bill provides an exception to the March 1 application deadline in s. 196.173(5), F.S., for 2015 only, by establishing June 1, 2015, as the deadline for an eligible servicemember to apply for an additional tax exemption for qualifying deployment during the 2014 calendar year.

The bill is effective upon becoming law and first applies to ad valorem tax rolls for 2015.
II. **Present Situation:**

**Ad Valorem Exemption for Deployed Servicemembers**

Section 196.173, F.S., provides an additional ad valorem tax exemption for homestead property owned by a military servicemember\(^1\) deployed outside of the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature. The tax relief provided by the exemption is equal to the taxable value of the homestead of the servicemember on January 1 of the year in which the exemption is sought multiplied by the number of days that the servicemember was on a qualifying deployment in the preceding calendar year and divided by the number of days in that year.\(^2\)

**Eligible Military Operations**

The exemption is currently available to servicemembers who were deployed during the previous calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of:

- Operation Noble Eagle, which began on September 15, 2001;
- Operation Enduring Freedom, which began on October 7, 2001;
- Operation Iraqi Freedom, which began on March 19, 2003, and ended on August 31, 2010;
- Operation New Dawn, which began September 1, 2010, and ended on December 15, 2011; or
- Operation Odyssey Dawn, which began on March 19, 2011, and ended on October 31, 2011.\(^3\)

**Annual Report of All Known and Unclassified Military Operations**

By January 15 of each year, the Department of Military Affairs must submit to the President of the Senate, the Speaker of the House of Representatives, and the tax committees of each house of the Legislature a report of all known and unclassified military operations outside the continental United States, Alaska, or Hawaii for which servicemembers based in the continental United States have been deployed during the previous calendar year.\(^4\)

To the extent possible, the report must include:

- The official and common names of the military operations;
- The general location and purpose of each military operation;
- The date each military operation commenced; and
- The date each military operation terminated, unless the operation is ongoing.\(^5\)

**Exemption Application**

A servicemember who seeks to claim the additional tax exemption must file an application for exemption with the property appraiser on or before March 1 of the year following the year of the deployment.

---

\(^1\) The term “servicemember” is defined as a member or former member of any branch of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard. *See s. 196.173(7), F.S.*

\(^2\) Section 196.173(4), F.S.

\(^3\) Section 196.173(2), F.S.

\(^4\) Section 196.173(3), F.S.

\(^5\) *Id.*
qualifying deployment. The application for the exemption must be made on a form prescribed by the Department of Revenue and furnished by the property appraiser. The servicemember must provide with the application:

- Proof of a qualifying deployment;
- The dates of the qualifying deployment; and
- Other information necessary to verify eligibility for and the amount of the exemption.

The property appraiser must consider a servicemember’s application for the exemption within 30 days after receipt of the application or within 30 days after receiving notice of the designation of qualifying deployments by the Legislature, whichever is later. If a servicemember’s application is denied, the property appraiser must send a notice of disapproval no later than July 1, citing the reason for disapproval and advising the servicemember of the right to appeal the decision to the value adjustment board (VAB) along with the procedures for filing such appeal.

III. Effect of Proposed Changes:

SPB 7052 amends s. 196.173, F.S., to add eleven unclassified military operations for which deployed servicemembers may qualify for an additional ad valorem tax exemption. These eleven operations are identified in the statutorily required report submitted to the Legislature by the Department of Military Affairs and includes the following operations:

- Operation Joint Guardian, which began on June 12, 1999;
- Operation Octave Shield, which began in 2000;
- Operation Trans-Sahara Counterterrorism Partnership, which began in June 2005;
- Operation Nomad Shadow, which began in 2007;
- Operation U.S. Airstrikes Al Qaeda in Somalia, which began in January 2007;
- Operation Objective Voice, which began in 2009;
- Operation Georgia Deployment Program, which began in August 2009;
- Operation Copper Dune, which began in 2010;
- Operation Observant Compass, which began in October 2011;
- Operation Juniper Shield, which began in 2013; and
- Operation Inherent Resolve, which began on August 8, 2014.

The bill provides an exception to the March 1 application deadline in s. 196.173(5), F.S., for 2015 only, by establishing June 1, 2015, as the deadline for an eligible servicemember to file an application with the property appraiser for an additional tax exemption for qualifying deployment during the 2014 calendar year.

Any applicant who fails to meet the June 1 deadline may subsequently submit a petition to the property appraiser on or before the 25th day following the mailing by the property appraiser of

---

6 Section 196.173(5)(1), F.S.
7 Id.
8 Id.
9 Section 196.173(6), F.S.
10 Section 194.015, F.S.
11 Report on file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.
the notices required under s. 194.011(1), F.S. Upon receipt of the petition, the property appraiser may grant the tax exemption if:
- The applicant files an application for the exemption on or before the 25th day after the mailing by the property appraiser;
- The applicant is qualified for the exemption; or
- The applicant produces sufficient evidence, as determined by the property appraiser, which demonstrates that the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrates extenuating circumstances that warrant granting the exemption.

If the property appraiser denies an application, the applicant may file a petition to the value adjustment board (VAB) to request that the exemption be granted. The VAB must receive the petition on or before the 25th day after the mailing by the property appraiser required by s. 194.011(1), F.S.

The bill is effective upon becoming law and first applies to ad valorem tax rolls for 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that SPB 7052 will reduce local governments’ revenues by $200,000 in Fiscal Year 2015-2016, with a negative $200,000 recurring impact on local governments.\(^{12}\)

B. Private Sector Impact:

If the proposed bill becomes law, servicemembers deployed to one of the aforementioned military operations could receive property tax relief.

C. Government Sector Impact:

None.

---
VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 196.173 of the Florida Statutes.

This bill creates an undesignated section of the Florida Law.

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.
A bill to be entitled
An act relating to an ad valorem tax exemption for
deployed servicemembers; amending s. 196.173, F.S.;
expanding the military operations that qualify a
servicemember deployed in support of such an operation
in the previous calendar year for an additional ad
valorem tax exemption; providing an extended deadline
and specifying procedures for filing an application
for such tax exemption for a qualifying deployment
during the 2014 calendar year; providing procedures to
appeal a denial by a property appraiser of an
application for such tax exemption; providing for
retroactive applicability; providing an effective date.

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

Section 1. Subsection (2) of section 196.173, Florida
Statutes, is amended to read:
2014 Exemption for deployed servicemembers.—
(2) The exemption is available to servicemembers who were
deployed during the preceding calendar year on active duty
outside the continental United States, Alaska, or Hawaii in
support of any of the following operations:
(a) Operation Joint Guardian, which began on June 12, 1999.
(b) Operation Octave Shield, which began in 2000.
(c) Operation Noble Eagle, which began on September 15,
(d) Operation Enduring Freedom, which began on October
(e) Operation Iraqi Freedom, which began on March 19,
(f) Operation Trans-Sahara Counterterrorism Partnership,
which began in June 2005.
(g) Operation Nomad Shadow, which began in 2007.
(h) Operation U.S. Airstrikes Al Qaeda in Somalia, which
(i) Operation Objective Voice, which began in 2009.
(j) Operation Georgia Deployment Program, which began in
August 2009.
(k) Operation Copper Dune, which began in 2010.
(l) Operation New Dawn, which began on September 1,
2010, and ended on December 15, 2011.
(m) Operation Odyssey Dawn, which began on March 19,
2011, and ended on October 31, 2011.
(n) Operation Observant Compass, which began in October
2011.
(o) Operation Juniper Shield, which began in 2013.
(p) Operation Inherent Resolve, which began on August 8,
2014.

The Department of Revenue shall notify all property appraisers
and tax collectors in this state of the designated military
operations.

Section 2. Application deadline for additional ad valorem
tax exemption under s. 196.173, Florida Statutes, for 2014
qualifying deployments.—
(i) Notwithstanding the application deadline in s.
196.173(5), Florida Statutes, the deadline for an applicant to file an application with the property appraiser for an additional ad valorem tax exemption for a qualifying deployment during the 2014 calendar year in June 1, 2015.

(2) If an application is not timely filed under subsection (1), a property appraiser may grant the exemption if:
   (a) The applicant files an application for the exemption on or before the 25th day after the mailing by the property appraiser during the 2015 calendar year of the notice required under s. 194.011(1), Florida Statutes;
   (b) The applicant is qualified for the exemption; and
   (c) The applicant produces sufficient evidence, as determined by the property appraiser, which demonstrates that the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrates extenuating circumstances that warrant granting the exemption.

(3) If the property appraiser denies an application under subsection (2), the applicant may file, pursuant to s. 194.011(3), Florida Statutes, a petition with the value adjustment board which requests that the exemption be granted. Such petition must be filed on or before the 25th day after the mailing by the property appraiser during the 2015 calendar year of the notice required under s. 194.011(1), Florida Statutes. Notwithstanding s. 194.013, Florida Statutes, the eligible servicemember is not required to pay a filing fee for such petition. Upon reviewing the petition, the value adjustment board may grant the exemption if the applicant is qualified for the exemption and demonstrates extenuating circumstances, as determined by the board, that warrant granting the exemption.

Section 3. This act shall take effect upon becoming a law, and first applies to ad valorem tax rolls for 2015.
9:14:34 AM Chair Altman calls the Committee on Military and Veterans Affairs, Space, and Domestic Security to order
9:14:47 AM Chair Altman ask Lois to call the roll
9:14:49 AM Lois calls the roll and announces a quorum is present
9:14:55 AM Chair Altman states that all electronic devices needs to be silence
9:14:58 AM Chair Altman states that anyone wishing to speak needs to complete an appearance card
9:15:01 AM TAB 1 - SB 184 - by Senator Evers - Federal Write-in Absentee Ballot
9:15:27 AM Chair Altman ask Senator Evers to explain SB 184; Senator explains SB 184
9:16:20 AM Chair Altman ask for questions on the bill
9:16:27 AM Chair Altman ask is there any appearance card
9:16:35 AM Mr. Ron Labasky, Florida State Association of Supervisor of Elections waives in support
9:16:45 AM Chair Altman ask for debate on the bill
9:16:51 AM Chair Altman ask Senator Evers to close on SB 184; Senator Evers waives closing
9:16:58 AM Chair Altman ask Lois to call the roll on SB 184
9:17:07 AM Roll call by Administrative Assistant, Lois Graham
9:17:33 AM TAB 3 - SPB 7052 - by Military and Veterans Affairs, Space, and Domestic Security - Ad Valorem Tax Exemption for Deployed Servicemembers
9:18:06 AM Ms. Margaret Sanders, Legislative Analyst explains SPB 7052
9:18:46 AM Chair Altman ask for questions on the bill
9:18:54 AM Chair Altman ask for appearance cards
9:19:05 AM Chair Altman ask is there any question on SPB 7052
9:19:05 AM Chair Altman ask for debate on SPB 7052
9:19:10 AM Chair Altman ask Ms. Sanders to close on SPB 7052
9:19:17 AM Ms. Sanders waives closing
9:19:23 AM Chair Altman ask for motion on SPB 7052
9:19:32 AM Senator Evers moves that SPB 7052 be submitted as a Committee Bill
9:19:43 AM Senator Sachs second
9:19:50 AM Chair Altman states that SPB 7052 will be reported as a Committee Bill
9:19:56 AM Chair Altman ask Lois to call the roll on SPB 7052
9:20:03 AM Chair Altman states by your vote, SPB 7052 is reported favorably
9:20:17 AM TAB 2 - SB 1296 - by Senator Bean - Military and Veterans Affairs; Senator Stargel will explain the bill for Senator Bean
9:20:49 AM Senator Stargel explains SB 1296
9:20:55 AM Senator Stargel explains SB 1296, then she explains Substitute Amendment, Barcode 444302
9:21:52 AM Chair Altman states we have heard Amendment 444302
9:22:43 AM Chair Altman ask if there are questions on Amendment 444302
9:23:26 AM Members are trying to get a hand-written amendment
9:23:55 AM Late-filed amendment, hand-written by Senator Gibson speaking
9:24:10 AM Senator Gibson speaking in reference to the hand-written amendment. Senator Stargel
ask if this is a late filed amendment
9:25:39 AM Chair Altman states it is not ready, Senator Gibson is speaking on what she would like to see in the amendment
9:26:01 AM Chair Altman speaking and ask Col. Mike Prendergast to answer the questions
9:27:28 AM Senator Gibson ask Col. Prendergast another question
9:27:47 AM Col Prendergast speaking
9:28:39 AM Chair Altman ask Col. Prendergast another question
9:28:48 AM Col. Prendergast speaking
9:29:09 AM Senator Gibson ask additional question
9:29:48 AM Col. Prendergast speaking
9:31:18 AM Senator Gibson ask a follow-up question
9:31:51 AM Senator Stargel speaking
9:33:07 AM Col. Prendergast speaking
9:34:16 AM Senator Gibson ask a follow-up question
9:34:24 AM Senator Stargel speaking
9:34:51 AM Chair Altman speaking
9:34:59 AM Senator Stargel speaking
9:36:09 AM Senator Gibson speaking
9:36:22 AM Chair Altman speaking
9:36:44 AM Senator Stargel speaking
9:36:53 AM Chair Altman speaking
9:37:22 AM Senator Stargel speaking
9:37:43 AM Senator Gibson speaking
9:38:06 AM Chair Altman speaking
9:38:28 AM Senator Stargel speaking
9:39:53 AM Chair Altman speaking
9:39:58 AM Senator Sachs speaking
9:41:11 AM Chair Altman speaking
9:41:45 AM Col. Prendergast speaking
9:43:13 AM Senator Stargel speaking
9:44:16 AM Senator Stargel speaking
9:45:17 AM Col. Prendergast speaking
9:46:37 AM Senator Sachs speaking
9:48:10 AM Senator Evers speaking
9:49:16 AM Chair Altman speaking
9:49:31 AM In Recess
9:49:51 AM Senator Evers speaking; Chair Altman states that we are in recess
10:01:19 AM Chair Altman calls the meeting back to order
10:01:32 AM Chair Altman states that he has a late-filed amendment to offer and ask Vice Chair Gibson to take the chair
10:01:53 AM Chairman Altman explains the late file amendment hand written
10:03:21 AM Vice Chairman Gibson takes chair
10:03:32 AM Senator Sachs speaking
10:04:42 AM Vice Chairman speaking
10:04:55 AM Chairman speaking
10:05:13 AM Vice Chair Gibson states motion to take up the hand-written late-filed amendment by Chair Altman
10:05:38 AM Vice Chair Gibson ask Chair Altman to explain the late-filed amendment
10:05:45 AM Vice Chair Gibson ask for questions on the late-filed amendment
10:05:56 AM Chair Altman waives his closing
10:06:05 AM Vice Chair Gibson states that the amendment passes
10:06:14 AM Chair Altman moves to take the Chair back
10:06:35 AM Chair Altman speaking
10:06:40 AM Chair Altman states that we are back on amendment 44302 as amended
10:06:46 AM Chair Altman asks if there are any questions on the amendment as amended
10:06:52 AM Chair Altman asks if there is any debate on the amendment as amended
10:07:03 AM Chair Altman speaking
10:07:12 AM Chair Altman states that the amendment passes
10:07:21 AM Chair Altman speaking
10:07:42 AM Senator Sachs explains late-filed amendment 574736
10:08:05 AM Chair Altman asks for questions on the amendment
10:08:11 AM Senator Gibson speaking
10:08:40 AM Senator Sachs speaking
10:09:15 AM Senator Gibson speaking
10:09:47 AM Senator Sachs speaking
10:10:08 AM Chair Altman speaking
10:10:17 AM Senator Sachs speaking
10:10:40 AM Chair Altman speaking
10:10:51 AM Senator Sachs waives closing
10:10:59 AM Chair Altman states that the amendment passes
10:11:05 AM Chair Altman states that we are back on bill as amended
10:11:17 AM Chair Altman asks for debate
10:11:22 AM Senator Gibson speaking
10:12:13 AM Chair Altman speaking
10:12:32 AM Rep. Steube speaking
10:13:10 AM Chair Altman speaking
10:13:49 AM Senator Sachs speaking
10:14:36 AM Chair Altman speaking
10:14:59 AM Chair Altman asks Lois to call the roll on CS for SB 1296
10:15:04 AM Roll call by Administrative Assistant, Lois Graham
10:15:11 AM Chair Altman states by your vote CS for SB 1296 is reported favorably
10:15:22 AM Chair Altman states that there is no other business before the committee
10:15:31 AM Chair Altman states that Senator Gibson moves we rise without objection