

**STORAGE NAME:** h3135a.ca

**DATE:** April 6, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3135

**RELATING TO:** Veterans/Redefining the term

**SPONSOR(S):** Representative Harrington and others

**COMPANION BILL(S):** SB 1260 (i)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS YEAS 6 NAYS 0
  - (2) HEALTH AND HUMAN SERVICES APPROPRIATIONS
  - (3)
  - (4)
  - (5)
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I. SUMMARY:

This bill revises the date for which a veteran is determined to be a Vietnam Era veteran. The Vietnam Era is redefined as the time period beginning February 28, 1961 to May 7, 1975.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Florida Statutes define the term "veteran" as a person who served in the active military, naval, or air service and who was discharged or released under honorable condition or who later received an upgraded discharge under honorable conditions. To receive any benefits granted to wartime veterans under Florida Law, a veteran must have served during one of the periods of wartime service as defined in the statutes. Currently, s. 1.01(14), F.S., designates the time period of *August 5, 1964, to May 7, 1975*, as the Vietnam Era.

Wartime veterans are afforded certain benefits under Florida Law. Pursuant to s. 295.07(1)(c), F.S., the state and its political subdivisions must give preference in appointment and retention in positions of employment to, among others, wartime veterans. Pursuant to s. 295.08, F.S., preference points for wartime veterans, among others, are granted in competitive examinations with the state or its political subdivisions, provided they have otherwise obtained a qualifying score on the examination for the position. Pursuant to s. 295.125, F.S., Vietnam wartime veterans are to be given preference, under certain conditions, in determining order of admission or acceptance into state supported vocational-technical schools. Pursuant to s. 296.08, F.S., veterans with wartime service are granted admittance priority into the Florida Veteran's Domiciliary Home. Pursuant to s. 296.36, F.S., wartime veterans are eligible for admittance into a Florida Veteran's Nursing Home.

Veterans may also be eligible for retirement credit under the Florida Retirement System (FRS). Pursuant to s. 121.111(1), F.S., FRS members who take a leave of absence to serve in the military, under specified conditions, can obtain credit in the FRS for their military service. Pursuant to subsection (2), wartime veterans, as defined in s. 1.01(14), F.S., and under specified conditions, may purchase up to 4 years credit in FRS for the time they spent serving in the military.

Additional benefits are also available to certain wartime and peacetime disabled veterans under Florida Law.

B. EFFECT OF PROPOSED CHANGES:

The Vietnam Era is redefined as the time period beginning February 28, 1961 to May 7, 1975. Current law designates the Vietnam Era as the time period of August 5, 1964, to May 7, 1975. Thus, the bill increases the number of veterans that may benefit from statutory benefits granted to wartime veterans.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

N/A

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The Department of Veterans Affairs may experience an increase in the number of requests for determination of whether a veteran qualifies as a wartime veterans for the Vietnam Era.

(3) any entitlement to a government service or benefit?

The bill expands the number of Florida resident veterans who may qualify for additional statutorily provided benefits.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 1.01(14)(f), F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1 -- Revises dates for which a member of armed forces is considered a wartime veteran for the Vietnam Era for definitional purposes; beginning February 28, 1961 and ending May 7, 1975.

Section 2 -- Provides for an effective date of upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

The Division of Retirement, Department of Management Services, comments in its bill analysis dated March 9, 1998, that:

This bill would include activity duty wartime service for both those veterans who did and did not physically serve in the Republic of Vietnam, thereby offering benefits beyond those allowed in federal law and increasing the number of FRS members eligible to claim this service.

The Fiscal Note of the analysis states:

This bill, as drafted, will not have a significant actuarial impact on the FRS Trust Fund and does not require a rate increase at this time.

The Department of Veterans Affairs has concerns that the state is defining veterans for the Vietnam Era outside the designated dates of the federal definition.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An amendment was contemplated by the sponsor which would have conformed the House Bill with the Senate companion bill. However, the Senate voted on April 2, 1998, not to adopt the amendment, sponsored by Senator Harris, and adopted by the Senate Committee on Community Affairs.

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The amendment provided a wartime veteran was considered a veteran of the Vietnam Era during the revised dates, only if "wartime service" was served in the Republic of Vietnam. The Department of Veterans Affairs (department) has stated that this language would create a burden on the department to verify Florida resident veterans who actually served in the Republic of Vietnam. The department further states that, in some cases, military records are not clear or are not available (for national security reasons), as to where some members of the armed forces actually served.

The sponsor of the House Bill has indicated that he no longer desires to place the identical amendment on the House Bill.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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Joan E. Highsmith-Smith

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