

**STORAGE NAME:** h1911a.fpr.doc

**DATE:** April 24, 2001

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
FISCAL POLICY AND RESOURCES  
ANALYSIS**

**BILL #:** HB 1911 (PCB LGVA 01-03)

**RELATING TO:** Veterans Preference in Employment

**SPONSOR(S):** Committee on Local Government & Veterans Affairs and Representative Sorensen

**TIED BILL(S):** None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
  - (2) FISCAL POLICY & RESOURCES YEAS 10 NAYS 0
  - (3) COUNCIL FOR SMARTER GOVERNMENT
  - (4)
  - (5)
- 

I. SUMMARY:

The bill amends the "veterans' preference" provisions of chapter 295, Florida Statutes.

The bill eliminates the exemption of the positions of city and county managers, management positions, and policymaking positions thereby allowing preferences in appointment for these positions based on military service.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Florida "veterans' preference" law was enacted in 1947. Chapter 24201, L.O.F., provided that honorably discharged war veterans, their wives, and widows "be entered ahead of all others having the same rating."

The "veterans' preference" law now found in s. 110.2135 and chapter 295, F.S. Section 295.07(1), F.S., provides that the state and its political subdivisions must give preference in appointment and retention in positions of employment to certain disabled veterans, certain spouses of disabled veterans, veterans of any war, and un-remarried widows or widowers of veterans who died of a service-connected disability.

Section 295.07(2), F.S., provides that the Department of Veterans' Affairs must adopt rules to ensure that veterans are given special consideration in the employing agency's selection and retention processes. The rules must include the award of point values as articulated in section 295.08, F.S., if applicable, or, where point values are not relevant, must include procedures to ensure that veterans are given special consideration at each step of the employment selection process, unless the sponsoring governmental entity is a party to a collective bargaining agreement, in which case the collective bargaining agreement must comply within 90 days following ratification of a successor collective bargaining agreement or extension of any existing collective bargaining agreement.

Section 295.07(3), F.S., requires a veteran to be a resident of the State of Florida in order to qualify for veterans' preference.

In section 295.07(4), F.S., the following positions are exempt:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind are included.

(b) Positions in political subdivisions of the state which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without

benefits, city managers and county managers, heads of departments, management positions, policymaking positions, positions that require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions that require that the employee be a member of The Florida Bar.

**C. EFFECT OF PROPOSED CHANGES:**

The bill eliminates the exemption of several positions from provisions of the veterans' preference law. The effect of the bill is to create more opportunities for veterans' employment. Those positions include city and county managers, management positions, and policymaking positions.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.** Section 295.07, Florida Statutes, relating to preference in appointment and retention, is amended to eliminate the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to certain preferences in appointment based on military service.

**Section 2.** Provides an effective date of July 1, 2001.

**III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

N/A

2. Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

N/A

2. Expenditures:

N/A

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Qualified veterans may benefit in the public sector job market because of the elimination of the exemption.

**D. FISCAL COMMENTS:**

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend money to take action that requires expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of counties or municipalities.

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

This bill does not reduce the total aggregate city or county percentage share of a state tax.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

A representative with the Florida League of Cities indicates that the Association has no position on this bill. A representative with the Florida Association of Counties indicates that the Association has no position on this bill. The Chairman of the State Veterans Planning Group, Mr. J. G. "Tracy" Taylor, Jr., has been contacted, but has not responded, to date.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON FISCAL POLICY AND RESOURCES:

Prepared by:

Terri S. Boggis

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON FISCAL POLICY & RESOURCES:

Prepared by:

Douglas Pile

Staff Director:

Greg Turbeville