

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/CS/SB 1794

SPONSOR: Finance and Taxation Committee, Commerce, Economic Opportunities, and Consumer Services Committee, Military and Veterans' Affairs, Base Protection, and Spaceports Committee, and Senator Hill

SUBJECT: Military Service Family Relief

DATE: April 22, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Krasovsky	MS	Favorable/CS
2.	Gillespie	Maclure	CM	Favorable/CS
3.	Fournier	Johansen	FT	Favorable/CS
4.			AGG	
5.			AP	
6.				

I. Summary:

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 1794 creates the "First Sergeant Carey Baker Military Relief Act," which directs the Agency for Workforce Innovation to provide matching grants to private sector employers in Florida that continue to provide wages to employees who are serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty, provided that the employees are residents of the state during the period of federal active duty. The amount of grants provided may not exceed specific appropriations included in the fiscal year 2003-04 General Appropriations Act.

II. Present Situation:

Florida's Military Service Compensation Laws

Under current law, public employees who are officers or enlisted personnel in the National Guard or a reserve component of the United States Armed Forces may be granted leave of absence from their respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay (s. 115.09, F.S.). Similarly, current law also authorizes the state agencies and political subdivisions to supplement the military pay of their employees who are National Guard members or reservists called to active military service for the first 30 days with full pay and, thereafter, in an amount necessary to bring the reservists' total salary, inclusive of their base military pay, to the level earned at the time they were called to

active military duty (s. 115.14, F.S.). The employing entity may, in its discretion, continue to provide any health insurance and other existing benefits to such officials and employees.

On September 25, 2001, the Governor and Cabinet adopted a resolution directing all state agencies to fully implement ss. 115.09 and 115.14, F.S., for all employees called to active duty. In presenting the resolution to the Cabinet, the Governor stated that “the resolution encourages private employers, to the extent that they’re able, to take similar actions. And we will also send out a notice to all local governments for their – for their action as well.”¹ According to the Florida League of Cities and the Florida Association of Counties, most counties and municipalities in the state currently extend this coverage to their employees.

Federal Military/Employment Protection

Federal law does not require an employer to pay an employee who is on a military leave of absence. Nevertheless, many employers voluntarily offer differential pay or a specific number of paid military leave days to employees. The Uniformed Services Employment and Reemployment Rights Act, enacted in October 1994 and significantly revised in 1996 and 1998, provides job protection and rights of reinstatement to employees who participate in the National Guard and Reserve.

Similarly, the National Committee for Employer Support of the Guard and Reserve, an agency within the Office of the Assistant Secretary of Defense for Reserve Affairs, operates programs directed toward U.S. employers, employees, and communities to ensure understanding of the role of Reserve component members. This national committee encourages development of employer policies and practices to facilitate employee participation in the Reserve components through a network of 4,500 volunteers in 54 corresponding local committees.

First Sergeant Carey Baker

Representative Carey Baker is a member of the Florida House of Representatives, elected in 2000 from District 25, consisting of parts of Lake, Seminole, and Volusia counties. Representative Baker is first sergeant of the Alpha Company of the Florida National Guard’s 2nd Battalion, 124th Infantry Regiment, United States Army. A resident of Eustis, Representative Baker is currently deployed with Alpha Company, based in Leesburg, in the Persian Gulf as part of Operation Iraqi Freedom.

III. Effect of Proposed Changes:

First Sergeant Carey Baker Military Relief Act

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 1794 creates the “First Sergeant Carey Baker Military Relief Act,” which directs the Agency for Workforce Innovation to provide matching grants to private sector employers in Florida that

¹ Governor and Cabinet, *Cabinet Meeting Transcript 5-6* (Sept. 25, 2001), available at <http://www.myflorida.com/myflorida/cabinet/agenda01/0925/trans.html> (last visited Apr. 10, 2003).

continue to provide wages to employees who are serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty, provided that the employees are residents of the state during the period of federal active duty. The amount of grants provided may not exceed specific appropriations included in the fiscal year 2003-04 General Appropriations Act.

Grants provided under this act shall be provided for monthly wages paid to employees for the actual period of federal active duty between January 1, 2003 and June 30, 2004. The monthly grant per employee may not exceed the lesser of \$500 or one-half of the monthly wages paid by the employer to the employee at the level paid prior to the employee being called to active duty, minus the amount of active duty base pay and benefit package.

The agency is directed to develop a plan to implement the grant program, and the amount of grants provided in aggregate may not exceed specific appropriations included in the General Appropriations Act for fiscal year 2003-04.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An employer that continues to provide wages to employees who are serving in the United States Armed Forces Reserves or the Florida National Guard while such employees are on federal active duty will receive matching grants per employee from the state for up to \$500 or one-half of the wages paid, subject to an appropriation in the General Appropriations Act.

C. Government Sector Impact:

The Agency for Workforce Innovation must develop a plan to award these grants, subject to the notice, review, and objection procedures of s. 216.177, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
