

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SPB 7020

INTRODUCER: For consideration by the Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: Military and Veterans Affairs

DATE: February 3, 2014      REVISED: \_\_\_\_\_

| ANALYST     | STAFF DIRECTOR | REFERENCE | ACTION             |
|-------------|----------------|-----------|--------------------|
| 1. Hoagland | Ryon           |           | <b>Pre-meeting</b> |

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**I. Summary:**

SPB 7020 contains provisions on a number of proposals relating to employment, education, services, and benefits for current and former military personnel. In general, the bill:

- Expands the scope of Florida National Guard Education Dollars for Duty program to allow for funds to be used for additional activities and provides for the release of student grade and status information to the Florida Department of Military Affairs;
- Updates a 2008 reference to the U.S. Uniform Code of Military Justice to the 2012 version;
- Creates the Florida Veterans' Walk of Honor and Memorial Garden, to be located on the Capitol Complex grounds, and administered and funded by the Florida Department of Veterans' Affairs' (FDVA) direct support organization;
- Expands the employment preference for positions in the state, local and regional governmental entities, including the public education system, to all veterans, current members of the Reserves and the Florida National Guard, and the parents and spouses of servicemembers who died in combat;
- Creates a marketing research and marketing campaign to promote Florida to retired and recently separated military;
- Creates the Veterans Employment and Training Support (VETS) program to connect veterans and businesses, assist veterans in assessing employment skills, provide veterans training for business related skills, and provide veterans entrepreneur mentoring;
- Creates Florida Is For Veterans, Inc., a nonprofit corporation within the FDVA, to administer the VETS program and the marketing research and campaign efforts;
- Eliminates the one-year Florida residency requirement for entrance into Florida veterans' home and the state's veterans nursing homes; and
- Extends the period in which to waive initial licensing fee within the departments of Business and Professional Regulation and Department of Health from 24 months to 60 months after an honorable discharge from the service. Expands the waiver to include the spouse of the veteran.

## II. Present Situation:

More than 1.6 million veterans live in Florida. Approximately 75 percent of Florida's veteran population are wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are 187,000 military retirees who call Florida home.<sup>1</sup>

Florida has a large military population with more than 61,000 military personnel and 12,000 Florida National Guard members. Another 25,000 civilian personnel are directly associated with the military presence in Florida.<sup>2</sup>

Florida's military installations and defense business provide a \$73 billion annual economic impact, and account for more than 758,000 jobs in Florida, representing the 3rd largest sector of the state economy after agriculture and tourism.<sup>3</sup> The military spent \$31.3 billion across Florida in FY 2011 in goods and services, pensions, and salaries. Retirement, disability benefits and other transfers represent \$12.8 billion of that total.<sup>4</sup>

## III. Effect of Proposed Changes:

This bill contains provisions on a number of proposals relating to employment, education, services, and benefits for current and former military personnel. Given the broad nature of the bill and multitude of proposals, information on the "Present Situation" pertaining to each proposal is set forth in conjunction with the discussion of the "Effect of Proposed Changes" for that proposal.

### **Florida National Guard Education Dollars for Duty Program** (Section 1)

#### **Present Situation**

##### *Education Dollars for Duty Program*

The Education Dollars for Duty (EDD) program was created in 1997 to provide education tuition assistance to qualified Florida National Guard (FNG) members.<sup>5</sup> The existing program provides education assistance for authorized courses of study at a public or nonpublic accredited institution. The program is administered by the Florida Department of Military Affairs (DMA). The DMA may pay the full cost of tuition and fees for required courses for the Guard. Tuition and fees at nonpublic postsecondary institutions are limited to an amount equal to the amount that would be required to pay for the average tuition and fees at a public postsecondary education

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<sup>1</sup> Florida Department of Veterans' Affairs, Fast Facts, [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) last visited on January 24, 2014.

<sup>2</sup> Florida Defense Factbook, EFI and Haas Center, January 2013, <http://www.eflorida.com/fdstf/docs/resources/Factbook%202013.pdf> last visited on January 24, 2014. This figure represents military and National Guard civilian personnel.

<sup>3</sup> Florida's Military Profile, Enterprise Florida, Defense Office, [http://www.eflorida.com/fdstf/docs/info/Military\\_Install\\_Map.pdf](http://www.eflorida.com/fdstf/docs/info/Military_Install_Map.pdf) last visited on January 24, 2014

<sup>4</sup> Florida Defense Industry Economic Impact Analysis, <http://www.floridadefense.org/documents/HAAS%20Study%202013/Impact2013FinalSubmission3.26.13.pdf> last visited on January 24, 2014.

<sup>5</sup> Ch. 97-158, Laws of Florida

institution or public vocational-technical program. Noncredit courses or courses not leading to a degree or completion of career training are not permitted under the EDD program.<sup>6</sup>

To qualify, an actively drilling member of the FNG member must be 17 years of age, live in Florida, agree to comply with the rules of the program, and remain in good standing with satisfactory participation in the FNG. A member is eligible at the time of enlistment in the FNG.<sup>7</sup> The DMA has adopted rules regarding the EDD program in Chapter 70-2, F.A.C. The rules limits participation to FNG members who have enlisted after the establishment of the program in 1997. Participation in the program is limited, by rule, to five years.<sup>8</sup>

If a member of the FNG does not maintain satisfactory participation in the FNG or is placed on scholastic probation the member must reimburse the DMA for all tuition charges and student fees for the academic term. If the member leaves the FNG during the period specified in the member's enlistment or reenlistment contract,<sup>9</sup> or is terminated,<sup>10</sup> the member must reimburse the DMA for all tuition and fee payments received.<sup>11</sup>

### *Federal Education Programs*

Florida National Guard members may be eligible for some federal education benefits. The Army National Guard Federal Tuition Assistance program provides financial assistance to part-time Army National Guard members.<sup>12</sup> However, this program is not a guaranteed benefit and is subject to budget fluctuations and interruptions during government shutdowns.

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. There are several programs available based on varying eligibility criteria. Florida National Guard members who have been deployed on federal active duty may be eligible for federal education benefits under the Montgomery GI Bill<sup>13</sup> or the Post 9/11 GI Bill.<sup>14</sup>

### *Industry Certifications*

The State Board of Education annually approves the Postsecondary Industry Certification Funding List, pursuant to s. 1008.44, F.S. The Chancellor of the State University System, the Chancellor of the Florida College System, and the Chancellor of Career and Adult Education work with local workforce boards, other postsecondary institutions, businesses, and industry to

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<sup>6</sup> Section 250.10(7) and (8), F.S.

<sup>7</sup> Ibid.

<sup>8</sup> Chapter 70-2, F.A.C.

<sup>9</sup> Chapter 70-2.002, F.A.C., requires a member to serve in the FNG for a three year period after benefits are received.

<sup>10</sup> Chapter 70-2.002, F.A.C., requires a minimum of a 2.0 grade point average.

<sup>11</sup> Section 250.10(8), F.S.

<sup>12</sup> <http://www.military.com/education/money-for-school/national-guard-tuition-assistance.html>, last visited 2/3/14

<sup>13</sup> *The Montgomery GI Bill-Selected Reserve*, VA Pamphlet 22-90-3, Revised January 2007. Requires a National Guard member to have been called up to active duty under title 10 U.S. Code for a period of two years.

<sup>14</sup> *Post 9/11 GI Bill, It's Your Future*, VA Pamphlet 22-09-1 Revised May 2012. Available to persons who served on active duty after September 10, 2001, who have served at least 90 aggregate days on active duty. Percent of benefits allowed are calculated on period of time served on active duty and range from 40% of benefits for persons serving at least 90 days but less than 6 month to 100% of benefits for those serving at least 36 months.

identify, create, and recommend to the Commissioner of Education industry certifications to be placed on the funding list. The chancellors review results of the economic security report of employment and earning outcomes to assist in developing the list of approved industry certifications.<sup>15</sup>

#### *Preeminent State Research Universities*

In 2013, the Legislature authorized universities meeting specific standards<sup>16</sup> to establish an online university.<sup>17</sup> Universities must have met the standards by July 1, 2013. The University of Florida (UF) is the only state university that met this requirement. UF is in the process of creating fully online baccalaureate degree programs. Resident tuition for the online university's baccalaureate degree programs must not exceed 75 percent of the tuition rate specified in the General Appropriations Act and 75 percent of the tuition differential for the equivalent on-campus baccalaureate degree program.<sup>18</sup>

#### *Complete Florida Degree Program*

The Complete Florida Degree Program provides adult learners with a single point of access to information and links to innovative online and accelerated distance learning courses and support aimed at assisting the adult learner to complete an associate degree or a baccalaureate degree that is aligned with high-wage, high-skill workforce needs. The University of West Florida is the lead institution, working with the Florida College System institutions, state universities, and private postsecondary institutions.<sup>19</sup>

#### *College Credit for Military Training*

In 2012, the Florida Legislature passed legislation to requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules to provide college credit for military training and education courses.<sup>20</sup>

### **Effect of Proposed Changes**

Section 1 of the bill amends s. 250.10, F.S., to expand the EDD program to allow funds to be used for a broader range of education and training opportunities associated with job skills, including training to obtain industry certifications, continuing education to maintain license certifications, and licensing and industry certification examination fees. Funding for the industry certifications is limited to those certifications approved by the Department of Education under s. 1008.44, F.S.

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<sup>15</sup> Section 1004.44, F.S.

<sup>16</sup> Section 1001.7065, F.S., establishes academic and research excellence standards. A university that meets at least 11 of the 12 academic and research excellence standards is designated as a preeminent state research university.

<sup>17</sup> Subsection 1001.7065(4), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 1006.735, F.S.

<sup>20</sup> Section 1004.096, F.S.

The bill requires participants of the program to authorize the release of information by the postsecondary institution or technical center to the Education Service Offices within the DMA.

The bill provides discretion to the Adjutant General to reimburse a member for books and fees based on available funding. The bill specifies that the Adjutant General may reimburse book costs regardless of the source of tuition funding. Further, the bill modifies the limitations regarding funding to private institutions to reflect language within the federal Post-9/11 GI Bill to pay no more than the rate of the highest in-state tuition and fees at a public postsecondary education institution or public vocational-technical program.

The bill clarifies that online courses are approved as determined by the Adjutant General based on adopted rules and expressly authorizes online courses as part of a preeminent state research university's institute of online learning.

The bill directs the Adjutant General to adopt specific rules regarding approval of specific courses of study, industry certification training, and continuing education courses. Rules must also address guidelines for approving funds for licensing and industry certification examination fees. The Adjutant General may recommend use of the Complete Florida Degree Program for certain participants in the EDD program based on criteria expressed by rule. The DMA rules must also include procedures for institutes of higher learning to release grade and status information to the DMA for students being funded through the EDD program. Procedures adopted in rule are also required to facilitate the award of academic college credit for training and education acquired in the military.

### **Uniform Code of Military Justice and the Manual for Courts-Martial** (Section 2)

#### **Present Situation**

The state National Guards are governed by the concurrent laws of the federal and respective state governments. All provisions of federal law, which relate to the Florida National Guard, and which are not inconsistent with the state constitution, are part of the military laws of Florida.<sup>21</sup> The Florida Constitution specifies that the qualifications of a member of the Florida National Guard, and “the grounds and proceedings for their discipline and removal” must conform to the appropriate regulations of United States Army or Air Force.<sup>22</sup>

The federal Uniform Code of Military Justice (UCMJ) contains the substantive and procedural laws governing the military justice system. The UCMJ defines the same crimes as those in civilian courts, but also includes violations of order and discipline, such as disobedience to a superior officer, drunkenness on duty, misconduct as a prisoner of war, and even adultery. The Manual for Courts-Martial (MCM) prescribes procedural rules and punishments for violations of crimes.

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<sup>21</sup> Section 250.03, F.S.; 32 U.S.C.A. is the primary federal law addressing the organization of the state National Guards.

<sup>22</sup> Article X, section 2(d) of the State Constitution.

Florida National Guard members are subject to the Uniform Code of Military Justice, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.<sup>23</sup>

Section 250.35, F.S., references the Manual for Courts-Martial and the Uniform Code of Military Justice, 2008 editions. Federal regulations require states to annually review the Manual for Courts-Martial to remain current with changes to the UCMJ.<sup>24</sup>

### **Effect of Proposed Changes**

Section 2 of the bill amends s. 250.35, F.S., to update the reference to the Uniform Code of Military Justice and the Manual for Courts-Martial to reflect the most current version, the 2012 edition.

### **Florida Veterans' Walk of Honor and Memorial Garden** (Section 3)

#### **Present Situation**

The Legislature created the Florida Veterans' Hall of Fame in 2011 to recognize and honor those military veterans who have made a significant contribution to the State of Florida.<sup>25</sup> Section 265.002, F.S., created the Florida Medal of Honor Wall on the Plaza Level of the Capitol Building in 1996 to honor recipients of the Medal of Honor who are in some way associated with Florida.

#### **Effect of Proposed Changes**

Section 3 of the bill creates s. 265.0031, F.S., to establish the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden. The Walk of Honor and Memorial Garden are to be administered by the Florida Department of Veterans' Affairs (FDVA) direct support organization. The bill directs the Florida Department of Management Services (DMS) to set aside an area for the Walk of Honor on the Capitol grounds. Further, the bill directs the DMS to set aside an area for the Memorial Garden. The DMS must consult with the FDVA and the FDVA's direct support organization regarding the design and theme of the area.

The bill states that the Walk of Honor and Memorial Garden will not require the appropriation of state funds. The FDVA's direct support organization will accept donations from the public for the Walk of Honor, which will generate a recurring funding stream for the support of veterans and for the construction of the Memorial Garden.

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<sup>23</sup> Section 250.351, F.S.

<sup>24</sup> Executive Order 12473 (July 13, 1984). 10 U.S.C.

<sup>25</sup> Section 265.003, F.S.

**Veterans Preference in Public Employment** (Sections 5-8 and 19)**Present Situation**

Florida provides a preference and priority in the hiring practices of government employers of the state and political subdivisions of the state<sup>26</sup> for certain veterans and their spouses who are residents of Florida. All advertisements and written job announcements must include notice that veterans and eligible spouses receive preference in employment and are encouraged to apply for the position.<sup>27</sup> Florida's veterans' preference in employment statutes do not require a government employer to hire an unqualified veteran over a more qualified non-veteran.<sup>28</sup>

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:<sup>29</sup>

- A veteran with a service-connected disability;
- The spouse of a person who is:
  - Unable to work due to a total, permanent disability resulting from a service-connected disability; or
  - Missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty;
- A wartime veteran<sup>30</sup> who was honorably discharged; and
- The unmarried widow or widower of a veteran who died of a service-connected disability

Certain government positions are exempt from the veterans' employment preference. Examples of exempt positions include elected officers, legislative and judicial branch members, officers and employees, and positions that require licensure as a physician or a member of the Florida Bar.<sup>31</sup> However, positions in the State University System, career service positions in the Florida College System, and the School for the Deaf and the Blind are specifically not exempt.<sup>32</sup>

For positions that do not require an examination to determine qualification for employment, preference is given as follows:

- First preference is given to a veteran with a service-connected disability, the spouse of a veteran who is unable to work due to a permanent service-connected disability and the spouse of a servicemember missing in action or captured.
- Second preference is given to a wartime veteran and the widow and widower of a veteran who died of a service-connected disability.<sup>33</sup>

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<sup>26</sup> Subsection 1.01(8), F.S., defines "political subdivision" to include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

<sup>27</sup> Section 295.065, F.S.

<sup>28</sup> *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

<sup>29</sup> s. 295.07(1)(a)-(d), F.S.

<sup>30</sup> Section 1.01(14), F.S., prescribes specified periods of wartime which qualify certain veterans for benefits exclusive to wartime veterans.

<sup>31</sup> Section 110.205(2), F.S.

<sup>32</sup> Section 295.07(4), F.S.

<sup>33</sup> Section 295.085, F.S.

For positions that require an examination to determine qualification for employment, specific point preference is given as follows:

- Ten points for a veteran with a service-connected disability, the spouse of a veteran that is unable to work due to a permanent service-connected disability, and the spouse of a servicemember missing in action or captured.
- Five points for a wartime veteran and the widow or widower of a veteran who died of a service-connected disability.<sup>34</sup>

The FDVA is charged with administering the grievance process for the veteran employment preference. The FDVA is to investigate any complaint filed with the department and may issue an opinion to the Public Employees Relations Commission (PERC) as to the merit or lack of merit in each case. The FDVA must also provide a copy of the investigative findings to the complainant and to the agency involved. Unresolved issues may go to the PERC.<sup>35</sup>

The number of complaints filed with the FDVA has increased in the last several years, going from 143 complaints in FY 2009-10 to 1,125 complaints in FY 2012-13. Nine cases went to the PERC in FY 2012-13. Three cases were in the court system in FY 2012-13.<sup>36</sup>

### **Effect of Proposed Changes**

Sections 5 of the bill amends s. 295.065, F.S., to modify Legislative intent language to reflect the inclusion of certain servicemembers and family members of veterans added to the employment preference.

Section 6 of the bill amends s. 295.07, F.S., to add several classes to the employment preference provisions of the statutes as follows:

- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.
- An honorably discharged veteran.<sup>37</sup> However, active duty for training does not constitute eligibility.
- A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

The bill removes the requirement that the person receiving preference be a Florida resident.

Section 7 of the bill amends s. 295.08, F.S., to revise the preference points to be awarded for positions that are numerically selected as follows:

- 15 points (an increase from 10 points) for:
  - A veteran with a service-connected disability;

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<sup>34</sup> Section 295.08, F.S.

<sup>35</sup> Section 295.11, F.S.

<sup>36</sup> Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

<sup>37</sup> Subsection 1.01(14), F.S., defines a “veteran” as “a person who served in the active military, naval, or air service and who was discharged or released therefrom 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.”



- The spouse of a veteran who is unable to work due to a permanent service-connected disability; and
- The spouse of a servicemember missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty.
- 10 points for:
  - A wartime veteran, who has served at least one day during a wartime period;
  - The unremarried widow or widower of a veteran who died of a service-connected disability; and
  - The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.
- 5 points for:
  - Any honorably discharged veteran. However, active duty for training is does not constitute eligibility; and
  - A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Section 8 of the bill amends s. 295.085, F.S., to revise the preference order for positions that are not based on numerical point system as follows:

- First preference
  - A veteran with a service-connected disability;
  - The spouse of a veteran who is unable to work due to a permanent service-connected disability; and
  - The spouse of a servicemember missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty.
- Second preference
  - A wartime veteran, who has served at least one day during a wartime period;
  - The unremarried widow or widower of a veteran who died of a service-connected disability;
  - The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions;
  - Any honorably discharged veteran. However, active duty for training is does not constitute eligibility; and
  - A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Section 19 of the bill reenacts s. 1002.36, F.S., to incorporate change made in s. 295.07, F.S., regarding veteran employment preference.

### **Florida Is for Veterans, Inc.** (Sections 9-10 and 12)

#### **Present Situation**

There are several entities in Florida that, as a subset of their overall mission, provide education and employment assistance to veterans. In addition, Florida has created the Florida Defense Support Task Force to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents,

military retirees, and businesses that bring military and base-related jobs to the state.<sup>38</sup> There is no entity that is focused on promoting Florida as the future home for recently separated or retired military personnel.

With funding from the United States Department of Labor, the Florida Department of Economic Opportunity (DEO) directly administers the Jobs for Veterans State Grant in conjunction with various workforce development programs. The DEO Veterans' program works to promote and maximize the employment of Florida's veteran population, especially those with barriers to employment. Florida's One-Stop Career Centers are staffed with a network of professional Disabled Veterans Outreach Program Specialists and Local Veteran Employment Representatives.<sup>39</sup>

The Division of Career and Adult Education in the Florida Department of Education (FDOE) administers the Veterans Diploma program. The FDOE has also worked to ensure that veterans can receive academic credit for prior experience and training in the military.<sup>40</sup>

The FDVA is a cabinet agency created to assist all present and former members of the U.S. Armed Forces and their dependents and survivors in preparing claims for and securing such compensation, pension, hospitalization, vocational training, employment assistance and other benefits or privileges they may have earned. All services rendered by FDVA are without charge to the claimant.<sup>41</sup> The FDVA annually publishes the Florida Veterans' Benefits Guide designed to provide the latest information on federal and state benefits.<sup>42</sup>

### **Effect of Proposed Changes**

Section 9 of the bill creates s. 295.20, F.S., to create the Florida Is For Veterans, Inc., a nonprofit corporation in the FDVA, to promote Florida as a veteran-friendly state. The corporation is to encourage and assist retired and recently separated military personnel to keep or make Florida their permanent residence. It is also to help equip veterans for employment opportunities and promote the hiring of veterans.

The corporation duties are:

- Market research and campaign – through competitive contract with one or more entities:
  - Research veteran demographic to identify the target market and the educational and employment needs of the target population
  - Develop and conduct a marketing campaign to encourage retired and recently separated military personnel to live in Florida
  - Develop an information dissemination process to veterans of all ages regarding access to benefits
- Promote and enhance the value of military skill sets to businesses

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<sup>38</sup> Section 288.987, F.S.

<sup>39</sup> Material provided by the Department of Economic Opportunity to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 10, 2013.

<sup>40</sup> Material provided by the Florida Department of Education to the Senate Committee on Military Affairs, Space and Domestic Security, December 9, 2013.

<sup>41</sup> <http://www.myflorida.com/agency/49/> (last visited 2/3/14)

<sup>42</sup> FDVA website: <http://floridavets.org/> (last visited 2/3/14)

- Implement employment and training initiatives under the Veterans Employment and Training Services program, created by the bill
- Manage funds
- Administer specified programs

The corporation will be governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives will each appoint three members and must consider representation by active and retired military personnel and their spouses representing a range of ages and persons with experience in business, education, marketing, and information management. The members of the board will serve for four years and will annually elect a chairman from among the board members. In order to achieve staggered terms, the initial appointees of the Governor shall be for a two year period. With the exception of the Governor's initial appointees, members are limited one term.

The members of the board are not public officers or employees; however, they are subject to the standards of conduct for public officers, employees or agencies and local government attorneys,<sup>43</sup> the restrictions on employment of relatives,<sup>44</sup> and restrictions on voting conflicts<sup>45</sup> contained in Chapter 112, F.S. A member of the board may not have a direct interest in a contract, franchise, privilege, project, program or other benefit relating to an award by the corporation while on the board and for two years following service on the board. Accepting appointment to the board in violation of these provisions is a misdemeanor of the first degree. Members of the board are required to file a financial disclosure.<sup>46</sup> Members of the board serve without compensation; however, they will be reimbursed for travel associated with the corporation.

The bill provides, in addition to the powers provided to not for profit corporations in Chapter 617, F.S., the power to enter into contracts and other instruments, make expenditures, adopt and revise bylaws, accept funding for programs and activities from federal, state, local and private sources, and adopt and register a fictitious name for marketing. The corporation is prohibited from issuing bonds and must revert to the state any moneys and property held by the corporation if the corporation ceases to exist.

The corporation is subject to public records and meetings provisions of Florida statutes.<sup>47</sup>

The corporation may hire staff. All agencies of the state are directed to provide such technical assistance as the corporation needs to identify programs within each agency that provide assistance or benefits to veterans. The FDVA may provide department property, facilities and personal services to the corporation.

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<sup>43</sup> Section 112.313, F.S.

<sup>44</sup> Section 112.3135, F.S.

<sup>45</sup> Section 112.3143, F.S.

<sup>46</sup> Each member of the board who is not otherwise required to file financial disclosure under s. 8, Art. II of the State Constitution or s. 112.2144, F.S., must file a statement of financial interest under s. 112.3145, F.S.

<sup>47</sup> Chapters 119 and 286, F.S.

The corporation must provide the Governor and Legislature with an annual progress report and work plan by December 1 or each year. The report must include:

- Status and summary of findings regarding the target market, veteran benefits and any identified gaps in services
- Status of the marketing campaign, delivery systems of the marketing campaign, and outreach
- Status of the Veterans Employment and Training Services Program
- Proposed revisions or additions to the performance measurements for their programs
- Identification of contracts that the corporation has entered into to carry out its duties
- Annual compliance and financial audit of accounts and records

Section 10 of the bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a performance audit of the corporation by February 1, 2018, to assess the implementation and outcomes of the activities of the corporation and evaluate accomplishments and progress toward making Florida a veteran-friendly state. The OPPAGA audit findings will be submitted to the Legislature.

Section 12 of the bill requires the corporation submit a report to the Governor, the President of the Senate and the Speaker of the House identifying existing gaps in veteran resources and recommending best practices to assist veterans and improve current or new resources and programs by February 2, 2015.

### **Veterans Employment and Training Services Program (VETS)** (Sections 4 and 11)

#### **Present Situation**

See Present Situation under Florida Is For Veterans, Inc.

#### **Effect of Proposed Changes**

Section 11 of the bill creates s. 295.21, F.S., to create the Veterans Employment and Training Services Program (VETS). VETS is administered by Florida Is For Veterans, Inc. (FIFV) with the purpose of connecting veterans and employers. FIFV is required to provide services to veterans and employers.

Services offered to veterans include:

- Skill assessments, including skill translation of military skills into civilian workforce skills and resume creation;
- Assistance in establishing employment goals, including providing information on Department of Education approved industry certifications and the ability to earn college credit for training and education acquired in the military; and
- Assistance in applying for employment, including referring a veteran to the state's job bank system (Employ Florida Marketplace) or his or her Local One-Stop Career Center. The FIFV must provide information on the state's workforce programs on a central website.

FIFV is required to contract, through competitive bidding, with one or more public or private universities to administer entrepreneurship initiative programs for veterans. Selected universities

must demonstrate a commitment of university resources to such a program, have a military and veteran resource center, have a regional small business development center, and have been nationally recognized for commitment to the military and veterans. The initiative at the select university may include peer-to-peer learning, mentoring, technical assistance, networking, and use of tools in a virtual environment.

Services offered to employers include:

- Educating employers on the value of a veteran's military experience in the workplace;
- Assisting employers to meet hiring needs by connecting businesses with suitable veteran applicants; and
- Providing information about state and federal benefits of hiring veterans.

Additionally, FIFV is required to create a grant program for businesses to provide funding for training veterans to meet a business's workforce-skill needs. The grant funds are permitted to pay any training provided selected by the business, including in-house providers and state colleges or universities. Preference is given to target industry businesses.<sup>48</sup> A business must enter into an agreement with FIFV for the grant and must provide a match to the grant funds of at least 50 percent. Grant terms may not exceed 48 months. Grant funds are limited to \$8,000 per veteran trainee to pay for costs such as tuition, fees, books, and rental fees for facilities. Grant funds may only be used in the absence of available veteran-specific federally funded programs. However, a grant under this program may be combined with a grant under the Quick Response Training Program under s. 288.047, F.S.

FIFV is required to market the VETS program and recruit in-state and out-of-state veterans seeking employment in Florida to participate in the program. Efforts may include job fairs and social media campaigns. The marketing must be included as part of the main marketing campaign of FIFV.

The bill also requires Enterprise Florida, Inc., to provide information about FIFV and its services to prospective, new, expanding, and relocating businesses. Enterprise Florida, Inc., must also work with FIFV, to the greatest extent possible, to meet the employment needs of such businesses.

Section 4 of the bill amends s. 288.0001, F.S., to require the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to include the entrepreneurship initiative and training grant programs created under the VETS program as part of the Economic Development Programs Evaluation in 2019.

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<sup>48</sup> Target industries include cleantech, life sciences, infotech, aviation/aerospace, homeland security/defense, financial/professional services, and manufacturing, corporate headquarters, and research and development within those areas. See Enterprise Florida's "Qualified Targeted Industries for Incentives," available at [http://www.eflorida.com/IntelligenceCenter/download/PSR/SI\\_Targeted\\_Industries.pdf](http://www.eflorida.com/IntelligenceCenter/download/PSR/SI_Targeted_Industries.pdf) (last visited 1/29/2014).

**Florida Veterans' Domiciliary Home and Veterans' Nursing Homes** (Sections 13 and 14)**Present Situation**

The FDVA operates six skilled nursing facilities in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte and St. Augustine, and one assisted living facility in Lake City. Care is provided to veterans with qualifying war or peacetime service, who are residents of Florida for one year immediately preceding admission, and who require skilled care as certified by a USDVA physician. Assisted living level care is provided at the Robert H. Jenkins State Veterans' Domiciliary Home in Lake City, and includes rehabilitative assistance and other therapeutic measures to eligible ambulatory veterans who are not in need of hospitalization or skilled nursing services. The Robert H. Jenkins State Veterans' Domiciliary Home operated at an average occupancy rate of 86-percent in FY 2012-13. Occupancy rates for the state veterans' nursing homes are much higher, ranging from 97.1-percent to 99.9-percent in FY 2012-13.<sup>49</sup>

Florida statutes provides for a one year residency requirement prior to the application for admittance into the state veterans' home or the state veteran's nursing homes.<sup>50</sup>

**Effect of Proposed Changes**

Sections 13 and 14 of the bill amend ss. 296.06 and 296.36, F.S., respectively, to remove the one year residency requirement for admittance into the state veterans' domiciliary home or the state veteran's nursing homes. The requirement that the applicant be a resident of the state at the time of the application remains.

**Professional Licensing** (Sections 15-17)**Present Situation***Department of Business and Professional Regulation License Fee Waivers for Veterans*

Section 455.213, F.S., provides the general provisions for issuance of professional licensure by the Department of Business and Professional Regulation (DBPR). Former members of the U.S. Armed Forces are required to meet all licensure requirements; however, the initial licensing fee, the initial application fee and initial unlicensed activity fee for military veterans who have been honorably discharged from the U.S. Armed Forces within 24 months prior to applying for licensure are waived.

*Department of Health License Fee Waivers for Veterans*

Section 456.013, F.S., provides the general licensing provisions for all professions regulated by the Division of Medical Quality Assurance within the Department of Health (DOH). The initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably

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<sup>49</sup> Florida Department of Veterans' Affairs, Annual Report: Fiscal Year 2012-2013

<sup>50</sup> Section 296.06, F.S., provides the requirements for admittance into the state veterans' domiciliary home. Section 296.36, F.S., provides the requirements for admittance into the state veterans' nursing homes.

discharged military veteran who applies to the DOH for a license within 24 months after discharge from the U.S. Armed Forces are waived.

Radiological personnel are regulated in s. 468.304, F.S. The initial application fee for an honorably discharged military veteran who applies to the DOH for one of the certifications applicable to radiological personnel within 24 months after discharge from the U.S. Armed Forces is waived.

### **Effect of Proposed Changes**

Sections 15 of the bill amends s. 455.213, F.S., to increase the time period for DBPR to waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 16 of the bill amends s. 456.013, F.S., to increase the time period for DOH to waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 17 of the bill amends s. 468.304, F.S., to increase the time period for DOH to waive the initial application fee for an honorably discharged military veteran who applies to the DOH for a certification applicable to radiological personnel to 60 months after discharge from the U.S. Armed Forces. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

### **Prescription Drug Wholesale Distributor** (Section 18)

#### **Present Situation**

Prescription drug wholesale distributors are regulated by DBPR's Drugs, Devices, and Cosmetics division. All applicants and permittees must designate in writing at least one natural person to serve as the designated representative (certified designated representative).<sup>51</sup> Such person must have an active certification from the DBPR.<sup>52</sup> Part of the eligibility criteria to obtain a certification as a designated representative is having at least two years of either of the following types of verifiable, full-time work experience:<sup>53</sup>

- Work experience in a pharmacy licensed in Florida or another state, provided the applicant's responsibilities included, but were not limited to, recordkeeping for prescription drugs; or

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<sup>51</sup> Section 499.012(16)(a), F.S.

<sup>52</sup> *Id.*

<sup>53</sup> Section 499.012(16)(b)(3), F.S.

- Managerial experience with a prescription drug wholesale distributor licensed in this state or another.

**Effect of Proposed Changes**

Section 18 of the bill amends s. 499.012(16)(b)(3), F.S., to provide a third option to satisfy the work experience permit requirement, which states “managerial experience with the United States military, where the applicant’s responsibilities included, but were not limited to, recordkeeping, warehousing, distribution, or other logistics services pertaining to prescription drugs.”

**Effective Date** (Section 20)

Section 20 of the bill provides an effective date of July 1, 2014.

**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:**

Under sections 15, 16 and 17 of the bill, the initial licensing fees for military veterans and their spouses applying for DBPR or DOH licensure within 60 months after being honorably discharged from the U. S. Armed Forces will be waived.

**B. Private Sector Impact:**

Veterans in Florida or seeking to relocate to Florida will benefit from the services of the VETS program administered by FIFV. Veterans will receive assistance in meeting employment goals, finding employment, or becoming entrepreneurs.

Businesses in Florida or moving to Florida will benefit from the services of the VETS program administered by FIFV. Businesses will be connected with veterans that meet their demand for highly-skilled candidates for employment, receive information on the state and federal benefits of hiring veterans, and may receive grants for training employees.



The bill expands the Florida National Guard's Education Dollars for Duty program to allow for funds to be used for additional activities. The bill requires private universities, colleges and technical centers that receive EDD funds to provide specific student information to the Department of Military Affairs.

Military veterans and their spouses will have up to 60 months following honorable discharge from the U.S. Armed Forces to be eligible for a fee waiver for initial fees associated with professional licensure. Current law provides this benefit to the veteran only and is limited to a 24 month period.

**C. Government Sector Impact:**

The bill expands the Florida National Guard's Education Dollars for Duty program to allow for funds to be used to additional activities. The bill requires state universities, colleges and technical centers that receive EDD funds to provide specific student information to the Department of Military Affairs. The bill also requires the Department of Military Affairs to revise rules regarding the program.

The bill expands Florida's veterans' preference in employment statutes. The number of complaints filed with the FDVA has been increasing in the last several years, going from 143 complaints in FY 2009-10 to 1,125 complaints in FY 2012-13. Nine cases have gone to the PERC in FY 2012-2013. Three cases have continued on to the courts.<sup>54</sup> Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints. However, s. 295.11, F.S., requires the FDVA to conduct all investigations within existing amounts appropriated to the FDVA. The agency expects that the one full-time employee currently administering this program will process any increased complaints. In addition, the PERC may experience an increase in the number of complaints it must investigate and adjudicate.

The admission requirements to the state's veterans home and veterans nursing homes is revised to remove the requirement that the applicant must be a resident of Florida for one year prior to being admitted. The FDVA states that filling the vacant beds in the homes would not increase the cost of operating such facilities.

Florida Is For Veterans, Inc., will require funding for administration, as well as funding to implement their programs, including the VETS program. Universities/colleges/career centers/regional small business development centers may receive some benefits from training grants and those selected for entrepreneurship initiative.

Local One-Stop Career Centers may see an increased work-load as veterans are referred to receive services.

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<sup>54</sup> Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability will experience an increased workload in FY 2018-19 when completing the Economic Development Programs Evaluation.

The number of spouses of military veterans and the increase in number of military veterans who will apply for licensure or certification within 60 months after being honorably discharged from the U.S. Armed Forces is unknown. However, similar bills, which provided the waivers to veterans within a 24 month period of discharge, have been enacted in 2012 for DBPR licenses and in 2013 for DOH licenses. Since implementation in July 2012, DBPR has waived fees for 72 licenses representing a total of \$10,019.<sup>55</sup> As of December 9, 2013, the DOH had approved 67 licenses, waiving a total of \$11,013 in fees, and had 72 open applications.<sup>56</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 250.10, 250.35, 288.0001, 295.065, 295.07, 295.08, 295.085, 296.06, 296.36, 455.213, 456.013, 468.304, 499.012

This bill creates the following sections of the Florida Statutes: 265.0031, 295.20, 295.21

**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.

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

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<sup>55</sup> Material provided by the Department of Business and Professional Regulation to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 5, 2013.

<sup>56</sup> Material provided by the Department of Health to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 9, 2013.