

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 184

INTRODUCER: Senator Bean

SUBJECT: Military and Veterans Affairs

DATE: November 19, 2015 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Hrdlicka</u>	<u>MS</u>	Favorable
2.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	Favorable
3.	<u>Sneed</u>	<u>Kynoch</u>	<u>AP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 184:

- 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 veterans benefits and services;
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to the possible development and implementation of an online voting system that allows overseas military voters to return completed absentee ballots; and
- 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.

The fiscal impact of the bill is expected to be insignificant for the Department of Highway Safety and Motor Vehicles, Department of Veterans' Affairs, and Department of State. The fiscal impact to the State Board of Education, Board of Governors, and individual colleges and universities is indeterminate but is expected to be absorbed within existing resources.

The bill takes effect July 1, 2016.

II. Present Situation:

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 when applying for a new or replacement driver license or identification card.¹

The Florida Statutes specifically authorize which organizations can receive a voluntary contribution. 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:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee,² 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;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

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.³

The Florida Vets Connect Program

In 2010, the Chief Financial Officer directed the DHSMV and the Florida Department of Veterans' Affairs (FDVA) to partner to create the Florida Vets Connect Program to stimulate outreach efforts to veterans in Florida.⁴ Through the Florida Vets Connect Program, veterans have the opportunity to voluntarily identify their veteran status when applying for or renewing Florida driver licenses or state identification cards. 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.⁵ 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

¹ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 27 options for voluntary contributions. Section 322.08(8), F.S., provides driver license applicants with 20 options for voluntary contributions.

² State funds may not be used to pay the application fee.

³ See Section 322.08(7)(n), (o), and (q), F.S.

⁴ See Press Release, Florida Dep't of Financial Services, CFO, 'Florida Vets Connect' Connects Nearly 30,000 Florida Veterans with Benefits (Nov. 10, 2010), available at <http://www.myfloridacfo.com/sitePages/newsroom/pressRelease.aspx?id=3738> (last visited Oct. 2, 2015).

⁵ *Id.*

FDVA, through a third party provider, distributes general state of Florida veterans' benefits information via e-mail to those individuals who request such information on the driver license or identification card application.⁶ The FDVA distributed 50,350 e-mails on a monthly basis during the 2014 calendar year under the Vets Connect Program.⁷

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. These local officers provide information on current federal, state, and local veterans' programs, entitlements, and referral services, and can assist veterans with applying for these benefits.⁸ County veteran service officers are county employees, but are certified by the FDVA.⁹ Each county currently employs a veteran service officer, and, in some cases one veteran service officer may service two counties.¹⁰ There are currently no certified city veteran service officers in Florida.¹¹

Military Voters Overseas

Florida currently does not provide for the *return of voted* absentee ballots through an online system or by other Internet-related or electronic means, except for overseas voters who may return their ballots via secure facsimile.¹² Florida law, however, *does* provide a special extension of time — 10 extra days — for overseas voters to return voted ballots in general elections and presidential preference primaries, *provided* the ballot is sent by Election Day.¹³ Additionally, the Federal Write-In Absentee Ballot (FWAB) serves as an emergency back-up ballot for overseas voters who have requested a regular absentee ballot but didn't receive it.¹⁴

Further expediting the voting process is the fact that, in addition to mailing a ballot, county election supervisors may *e-mail, fax, or provide blank ballots online* to voters at their request — an important time-saving measure for overseas electors who submit ballot requests close to an election or who otherwise do not timely receive their ballot.¹⁵

⁶ E-mail correspondence with Colleen Krepstekies, Legislative Affairs Director, FDVA (Sept. 30, 2015) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.). According to the FDVA, it is cost prohibitive to distribute printouts of the veterans' benefits information via the United States mail.

⁷ E-mail correspondence with Jessica Kraynak, Legislative Analyst, FDVA (Oct. 2, 2015) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

⁸ Florida Dep't of Veterans' Affairs, *Locations*, (updated Oct. 1, 2015) available at <http://floridavets.org/locations/> (last visited Oct. 2, 2015).

⁹ Section 292.11(2), F.S.

¹⁰ Florida Dep't of Veterans' Affairs, *County Veteran Service Officers*, (Oct. 2015), available at http://floridavets.org/wp-content/uploads/2015/09/CVSO_Directory_1-October-2015.pdf (last visited Oct. 2, 2015).

¹¹ E-mail correspondence with Colleen Krepstekies, Legislative Affairs Director, FDVA (Sept. 30, 2015) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

¹² Section 101.697, F.S.; Rule 1S-2.030, F.A.C. Notwithstanding, the law directs the Department of State to adopt rules providing for the receipt of absentee ballots from "overseas" (civilian and military) voters by "secure electronic means," if the Department of State determines such security can be established (i.e., verification of the voter, security of the transmission, etc.) Section 101.697, F.S.

¹³ Section 101.6952(5), F.S.

¹⁴ Section 101.6952(2)(a), F.S.

¹⁵ Section 101.62, F.S.; Rule 1S-2.030, F.A.C. Supervisors begin sending absentee ballots 45 days before each election for those with requests on file with the supervisor, and thereafter upon receipt of a timely request. Overseas voters can request a ballot from their local supervisor when they register to vote using the Federal Post Card Application (FPCA).

Notwithstanding such accommodations, overseas military voters “often face unique challenges in obtaining and returning absentee ballots within state deadlines.”¹⁶ There have been attempts over the years to establish some form of secure electronic balloting for Florida’s overseas military voters, but none have enjoyed widespread success due primarily to concerns involving security¹⁷ and cost.¹⁸ Interestingly, however, two states — Alaska and Arizona — *do* provide for web-based absentee ballot return, though the vast majority of states authorizing electronic return limit it to *e-mail* or *fax* ballots.¹⁹

Veterans’ Training and Coursework

State Board of Education – Florida College System

Article IX, section 2 of the Florida Constitution establishes the State Board of Education, which is responsible for supervising the system of free public education as provided by law. The State Board of Education is “the chief implementing and coordinating body of public education in Florida, except for the State University System.”²⁰ Appointed by the State Board of Education, the Commissioner of Education serves as the chief executive officer of Florida’s K-20 System, which includes the Florida College System.²¹

“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.”²² Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting directly to the Commissioner of Education.

Section 101.694, F.S. Otherwise, they can timely request absentee ballots telephone, mail, fax or e-mail. Section 101.62, F.S.; Rule 1S-2.030, F.A.C.

¹⁶ National Conference of State Legislatures, *Electronic Submission of Ballots*, (July 27, 2015), available at <http://www.ncsl.org/research/elections-and-campaigns/internet-voting.aspx> (last visited Oct. 12, 2015) [hereinafter NCSL, *Electronic Ballots*].

¹⁷ See *infra* **Section VII, Related Issues** (discussing the Department of State’s conclusion that secure means do not currently exist for the online return of voted ballots); see also, section 101.697, F.S. (directing the Department of State to adopt rules for the electronic return of overseas ballots when such security can be established); Letter from Florida Voters Coalition to Florida Secretary of State Kurt Browning (May 29, 2008) (discussing a 2008 attempt in Okaloosa County to pilot an electronic system for overseas military voters), available at <http://www.floridavoters.org/downloads/BrowningLetter052908.pdf> (last visited Oct. 12, 2015). For a primer on security issues involved with electronic voting, see National Institute of Standards and Technology, *Security Best Practices for the Electronic Transmission of Election Materials for UOCAVA Voters*, NISTIR 7711 (Sept. 2011), available at <http://nist.gov/itl/vote/upload/nistir7711-Sept2011.pdf> (last visited Oct. 12, 2015).

¹⁸ As early as the 2000 general election, a handful of electronically-transmitted overseas military votes (about 30 or 35 in total, most in Okaloosa County) were received and counted by Florida elections supervisors of elections as part of a national pilot project with the Department of Defense’s Federal Voting Assistance Program (FVAP); the FVAP ultimately abandoned the project, anecdotally because of the prohibitive per-ballot costs involved.

¹⁹ NCSL, *Electronic Ballots*. According to the National Conference of State Legislatures: Twenty-three states plus the District of Columbia allow some voters to return ballots via e-mail or fax; six states (including Florida) provide for return by fax; but, 19 states still require ballots to be returned by mail. *Id.*

²⁰ Section 1001.02(1), F.S.

²¹ Florida Dep’t of Education, *About Us*, available at <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (last visited Oct. 2, 2015).

²² *Id.*

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 Florida 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).²³ 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.²⁴

College Credit for Military Training and Education

Section 1004.096, F.S., requires the State Board of Education to adopt rules and the Board of Governors to adopt regulations 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 while serving in the military.²⁵ Accordingly, State Board of Education Rule 6A-14.0302 of the Florida Administrative Code and Board of Governors Regulation 6.013 require all Florida colleges and universities, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such 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.²⁶ 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.

III. Effect of Proposed Changes:

Section 1 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 from a non-profit third-party provider selected by the Florida Department of Veterans’ Affairs (FDVA) that has sufficient ability to communicate with veterans throughout the state.

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 providing information via the indicated preferred method of delivery (U.S. mail or e-mail). The

²³ State University System of Florida Board of Governors, *2025 System Strategic Plan*, 5 (Nov. 2014), available at http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf (last visited Oct. 2, 2015).

²⁴ *Id.*

²⁵ Chapter 2012-169, Laws of Fla.

²⁶ Chapter 2012-159, Laws of Fla.

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.

Additionally, the bill requires that a veteran's contact information obtained by the third-party provider may only be used for purposes outlined in the bill, prohibits the provider from selling a veteran's contact information, and requires the provider 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.²⁷

Section 2 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 overseas uniformed services voters to electronically submit voted ballots. The Task Force consists of the following 11 members:

- The Secretary of State or his or her designee, who is the chair of the Task Force;
- The Adjutant General 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;
- Three supervisors of elections appointed by the Florida State Association of Supervisors of Elections; and
- Three individuals appointed by the Secretary of State, with relevant expertise in computers, the Internet, or other associated technologies.

Members of the Task Force 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:

- 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 who are overseas.

The Secretary of State must submit a report by the Task Force to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2017, that recommends whether or not the state should pursue the development and implementation of an online voting system for overseas uniformed services voters. If the Task Force recommends pursuit of an

²⁷ A first degree misdemeanor is punishable by up to one year incarceration in county jail, a fine of up to \$1,000, or both. Sections 775.082 and 775.083, F.S.

online voting system, the report must include steps for developing and implementing such a system.

The Task Force expires upon submission of the report.

Additionally, the bill requires the Division of Elections within 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 3 provides legislative intent regarding the provision of academic 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 of the State University System 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 U.S. Department of Veterans Affairs, other federal and state agencies, and private entities;
- Facilitate statewide meetings for personnel 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; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

Section 4 provides an effective date of July 1, 2016.

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:

The DHSMV currently transmits information collected from the Florida Vets Connect Program to the FDVA using eWareness, Inc. Under the contractual agreement with eWareness, Inc., the FDVA pays the web marketing service provider \$12,107 annually²⁸ to administer the emailing of information to veterans. Under CS/SB 184, the FDVA may incur additional program expenses, including postage fees, packaging materials, and additional outreach materials for²⁹ the voluntary check-off program. However, those costs are currently indeterminate.

Additionally, the DHSMV will have programming costs to develop the check-off box on the forms, but these costs are indeterminate and expected to be minimal.

With respect to the Military and Overseas Voting Assistance Task Force, the Department of State is responsible for the reimbursement of per diem and travel expenses for task force members. The Division of Elections within the Department of State is also required to provide support staff for the Task Force. The department has raised concerns regarding the possibility of incurring additional workload and operating costs to support this Task Force.³⁰ However, it appears more likely that the costs to support this time-limited task force will be of a minimal amount that can be absorbed within the department's operating budget.

The Board of Governors (BOG) also raised concerns about this bill's potential for increased workload for the state universities and colleges and for the Board itself.³¹ According to the Board, some institutions have already implemented various improvements depending on the needs of their student veteran populations. Because each institution is at a different stage in incorporating the changes in this bill, the fiscal impact to the State Board of Education, the Board of Governors, and the individual universities and colleges is indeterminate but is expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

²⁸ FDVA purchase order #AC8A7D dated July 1, 2015, Florida Accountability Contract Tracking System available at <https://facts.fldfs.com/Search/ContractSearch.aspx>.

²⁹ Florida Dep't of Veterans' Affairs, *Senate Bill 184 Agency Analysis* (Oct. 2, 2015) (on file with Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

³⁰ Florida Dep't of State, *Senate Bill 184 Agency Analysis*, p.3 (Sept. 29, 2015) (on file with Senate Committee on Ethics and Elections and the Committee on Military and Veterans Affairs, Space and Domestic Security).

³¹ State University System of Florida Board of Governors, *Senate Bill 184 Agency Analysis*, p.4 (Oct. 7, 2015) (on file with Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

VII. Related Issues:

The Department of State's recent agency bill analysis contains its public position on a web-based voting system:

Based upon existing studies of online voting and the capabilities of current certified voting systems, the Department of State has determined that secure electronic means do not satisfactorily exist to permit the casting of online ballots by voters, including overseas voters.³²

Given this conclusion, it is worth noting that the Secretary of State is a voting member and Chair of the Task Force, and appoints 3 of the 10 remaining members.

Also, the Department's analysis identifies the potential disruptive impact of the Task Force (July 1, 2016 - July 1, 2017) because of the partial overlap with the 2016 election cycle. It states that Task Force staffing duties "could impact the ability of the Division (of Elections) (to) [sic] perform its regular duties during an election year," and notes the possible need for additional full-time employees.³³

The Board of Governors in a recent agency bill analysis notes the following concerns with the bill:

... Any law requiring the Board of Governors to "align degree programs" at the universities with specified types of military experience and/or training can be perceived to be in conflict with established Board regulations and accreditation standards.

...Should there be a state-level attempt to align existing university programs with military programs, litigation can be expected from the universities because it will put them in violation of SACSCOC³⁴ accreditation requirements.

Section 3.(2) that calls for the identification and training of "specific faculty within each degree program at each state university" would be difficult and costly to implement due to the number of academic degree programs (1,733 programs) in the State University System.³⁵

VIII. Statutes Affected:

This bill substantially amends section 322.08 of the Florida Statutes.

³² Florida Department of State, Senate Bill 184 Agency Analysis, p. 4-5 (Sept. 29, 2015)(on file with Senate Committee on Ethics and Elections and the Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

³³ *Id.* at pp. 3-4.

³⁴ Southern Association of Colleges and Schools Commission on Colleges.

³⁵ State University System of Florida Board of Governors, *Senate Bill 184 Agency Analysis*, p.5 (Oct. 7, 2015) (on file with Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

The bill creates undesignated sections of 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 Appropriations on November 19, 2015:

The CS reduces the Task Force membership from 20 to 11 members as follows:

- The Secretary of State or his or her designee (*task force chair*);
- The Adjutant General 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;
- Three supervisors of elections appointed by the Florida State Association of Supervisors of Elections; and
- Three individuals appointed by the Secretary of State, with relevant expertise in computers, the Internet, or other associated technologies.

- B. **Amendments:**

None.