

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 184

INTRODUCER: Senator Bean

SUBJECT: Military and Veterans Affairs

DATE: October 5, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Hrdlicka	MS	Pre-meeting
2.	_____	_____	EE	_____
3.	_____	_____	AP	_____

I. Summary:

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 benefits and services available to veterans;
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted 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.

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

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.

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 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

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 Florida Department of Financial Services Press Release, '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.*

⁶ E-mail correspondence with Colleen Krepstekies, Legislative Affairs Director, FDVA on Sept. 30, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.) According to the FDVA, it is too 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 on Oct. 2, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.)

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 Overseas Absentee Voters

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to allow United States servicemembers, their family members, and other U.S. citizens residing outside the United States to register and vote absentee in general, special, primary, and runoff elections for federal office.¹² Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures.¹³ These voters can register to vote and request an absentee ballot at the same time by using the Federal Post Card Application (FPCA). In general, the FPCA can be submitted by mail, e-mail, or fax. A voter may also receive a registration application or an absentee ballot by submitting a request to the supervisor of elections by telephone, mail, fax, or e-mail. Absentee ballots are mailed to military and overseas voters no later than 45 days before each election. A voter can also request that the absentee ballot be faxed or e-mailed.¹⁴

However, these voters must submit their voted absentee ballots by mail or fax to their local election offices no later than 7:00 p.m. on election day for primary elections and no later than 10 days after election day for presidential preference primaries and general elections. These voters “often face unique challenges in obtaining and returning absentee ballots within state deadlines.”¹⁵ In the past, there have been various efforts to try to establish a means for ballot return electronically in Florida, but none have been successful in part due to concerns raised

⁸ Florida Department of Veterans’ Affairs, *Locations*, available at <http://floridavets.org/locations/> (last visited Oct. 2, 2015).

⁹ Section 292.11(2), F.S.

¹⁰ Florida Department 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 on Sept. 30, 2015. (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security.)

¹² U.S. Department of Justice, *The Uniformed and Overseas Citizens Absentee Voting Act*, (Aug. 8, 2015), available at <http://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act> (last visited Oct 2, 2015). See also 52 U.S.C. ch. 203 and s. 97.021(2) and (23), F.S.

¹³ Sections 101.6952, 101.62, and 101.694, F.S.

¹⁴ See Florida Department of State, Division of Elections, *Military and Overseas Citizens Voting*, available at <http://dos.myflorida.com/elections/for-voters/voting/military-and-overseas-citizens-voting/>; and the Federal Voting Assistance Program, available at <http://www.fvap.gov/> (both sites last visited Oct. 2, 2015).

¹⁵ 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. 2, 2015).

about the security of electronic systems and costs.¹⁶ Several other states have adopted means for return of voted absentee ballots electronically.¹⁷

Veterans' Training and Coursework

State Board of Education – Florida College System

Article IX, Section 2 of the State 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”.¹⁸ 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.¹⁹

“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.”²⁰ Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting directly to the Commissioner of Education.

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 State 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).²¹ 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.²²

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.²³ Accordingly, State Board of Education

¹⁶ See a letter regarding an attempt in Okaloosa County to pilot an electronic system in 2008 at Florida Voters Coalition, available at <http://www.floridavoters.org/downloads/BrowningLetter052908.pdf> (last visited Oct. 2, 2015); and s. 101.697, F.S. The Florida Department of State stated in its bill analysis that in a previous study the department determined that secure electronic means did not exist. Department of State, *SB 184 Bill Analysis* (Sept. 29, 2015) (On file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security). See also 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. 2, 2015).

¹⁷ Supra note 15. Twenty-five states allow some voters to return ballots by e-mail; two states allow web upload; but 19 states require ballots to be returned by mail.

¹⁸ Section 1001.02(1), F.S.

¹⁹ Florida Department of Education, *About Us*, available at <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (last visited Oct. 2, 2015).

²⁰ *Id.*

²¹ 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).

²² *Id.*

²³ Chapter 2012-169, Laws of Fla.

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.²⁴ 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 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.²⁵

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 absent members of the uniformed services to electronically submit voted ballots. The Task Force consists of the following 20 members:

²⁴ Chapter 2012-159, Laws of Fla.

²⁵ A first degree misdemeanor is punishable by up to 1 year incarceration in county jail, a fine of up to \$1,000, or both. Sections 775.082 and 775.083, F.S.

- 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 Florida Department of Veterans' Affairs 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;
- One member of the Senate appointed by the Minority Leader of the Senate;
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;
- One member appointed by the Governor;
- Six supervisors of elections appointed by the Secretary of State; and
- Five 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 absent uniformed services voters. If the Task Force recommends pursuit of an 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 eAwareness, Inc. The contractual agreement between the FDVA and eAwareness, Inc., costs \$11,529 annually, not including additional program expenses such as postage fees, packaging materials, and additional outreach materials.²⁶ The cost of the voluntary check-off program is indeterminate at this time.

²⁶ FDVA, *SB 184 Agency Bill Analysis* (Oct. 2, 2015) (On file with Senate Committee on Military and Veterans Affairs, Space and Domestic Security).

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

Related to the Military and Overseas Voting Assistance Task Force (Task Force), the Department of State is responsible for the reimbursement of per diem and travel expenses for task force members. Additionally, the Division of Elections within the Department of State is required to provide support staff for the Task Force. The department has stated that it may require additional full-time employees to support the Task Force.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 322.08 of the Florida Statutes.

The bill creates undesignated sections of the Florida Law.

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.

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

²⁷ Department of State, *SB 184 Agency Bill Analysis* (Sept. 29, 2015) (on file with Senate Committee on Military and Veterans Affairs, Space and Domestic Security).