

**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 and Space

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BILL: CS/SB 292

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Lee

SUBJECT: Education

DATE: March 19, 2019      REVISED: \_\_\_\_\_

|    | ANALYST        | STAFF DIRECTOR  | REFERENCE | ACTION           |
|----|----------------|-----------------|-----------|------------------|
| 1. | <u>Brown</u>   | <u>Caldwell</u> | <u>MS</u> | <u>Fav/CS</u>    |
| 2. | <u>Olenick</u> | <u>Sikes</u>    | <u>ED</u> | <u>Favorable</u> |
| 3. | _____          | _____           | <u>RC</u> | _____            |

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**I. Summary:**

CS/SB 292 protects the ability of a public school student to wear a military uniform to his or her graduation ceremony. Specifically, the bill prohibits a district school board from barring a student from lawfully wearing to his or her graduation ceremony a uniform of any of the Armed Forces of the state or of the United States.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming law.

**II. Present Situation:**

**Supplemental Powers and Duties of District School Board**

Florida law grants supplemental powers to district school boards, including supplemental powers related to student assessment and affairs. A district school board may adopt policies and procedures governing:

- Attendance monitoring and checks;
- Truancy
- Graduation requirements and graduation exercises
- Fees, fines, and charges imposed on students;
- Evaluation of student records and transcripts;
- Transfer of student records;
- Grading and academic evaluation of students;
- Test and examinations;
- Guidance and counseling;
- Student participation in competitions;
- Student performances and exhibitions;

- Contests for students and social events.

Consequently, a school district may require a student to wear a cap and gown to his or her graduation ceremony. In 2018, Hillsborough County School District personnel required a graduating student to wear a cap and gown rather than allowing her to wear her military uniform to her graduation ceremony. The student had been enrolled in the Army Reserves since her junior year. The school did not prohibit the student from wearing her uniform under the cap and gown, but an Army regulation does prohibit wearing a combination of civilian and military clothing.<sup>1</sup>

Of the other branches of the military, only the Navy permits the wearing of a uniform with academic regalia at an academic ceremony.<sup>2</sup>

### III. Effect of Proposed Changes:

This bill protects the ability of a public school student to wear a military uniform to his or her graduation ceremony.

Specifically, the bill prohibits a district school board from barring a student from lawfully wearing to his or her graduation ceremony a uniform of any of the Armed Forces of the United States or of the state.

The bill takes effect upon becoming a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

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<sup>1</sup> Army Uniform Regulation 670-1. (3-7.e.), provides: "Wearing a combination of civilian and military clothing is prohibited, unless prescribed in this regulation or directed by the Secretary of the Army." Available at: <https://www.army.mil/e2/c/downloads/337951.pdf> (last visited Feb. 27, 2019).

<sup>2</sup> Navy Uniform Regulation Section 2. 7204, provides, in part: "Naval personnel may wear academic regalia with the naval uniform on occasions of academic ceremony." Available at: <https://www.public.navy.mil/BUPERS-NPC/SUPPORT/UNIFORMS/UNIFORMREGULATIONS/Pages/default.aspx> (last visited Feb. 27, 2019). Marine Uniform Regulation 1020.34H, provides, "No part of a prescribed uniform, except those items not exclusively military in character, will be worn with civilian clothing." Available at: <https://www.marines.mil/Portals/59/Publications/MCO%201020.34H%20v2.pdf?ver=2018-06-26-094038-137> (last visited Feb. 27, 2019). Air Force Uniform Regulation AFI 36-2903 (1.4), generally prohibits the combination of uniform and civilian attire except in very limited circumstances, such as when authorizing personnel to wear military tie tacks and lapel pins with business attire. Available at: [https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2903/afi36-2903.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2903/afi36-2903.pdf) (last visited Feb. 27, 2019).

Available at: [https://static.e-publishing.af.mil/production/1/af\\_a1/publication/afi36-2903/afi36-2903.pdf](https://static.e-publishing.af.mil/production/1/af_a1/publication/afi36-2903/afi36-2903.pdf) (last visited Feb. 27, 2019).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill has no impact on state revenues or expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1001.43, Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military and Veterans Affairs and Space on March 6, 2019:**

The CS clarifies that the uniform that the student may lawfully wear to his or her graduation ceremony may be of any of the Armed Forces.

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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