

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 977 Military Support

**SPONSOR(S):** Economic Affairs Committee

**TIED BILLS:** **IDEN./SIM. BILLS:**

| REFERENCE                               | ACTION | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---|--------|---------|--|
| Orig. Comm.: Economic Affairs Committee |        | Tait    | Tinker                                   |

### SUMMARY ANALYSIS

The Florida Constitution and Florida statutes contain numerous provisions relating to support of military installations, military personnel and veterans. The bill addresses current and former military personnel as follows:

**Florida Veterans' Hall of Fame Council:** The bill creates the Florida Veterans' Hall of Fame Council within the Florida Department of Veterans' Affairs to serve as an advisory body tasked with accepting nominations of persons to be considered for induction into the existing Florida Veterans' Hall of Fame.

**Florida Veteran Business Enterprise Opportunity Act:** The bill expands existing vendor preference for service-disabled veteran business enterprises to include wartime veterans and veterans of a period of war. The bill revises application and documentation requirements to qualify for the program.

**Special Use License Plates:** The bill authorizes the Department of Highway Safety and Motor Vehicles to issue a special use license plate for a recipient of the Combat Infantry Badge, as well as Vietnam War Veterans and Korean Conflict Veterans. The bill also creates new special use license plates for recipients of the Distinguished Service Cross, Navy Cross, Air Force Cross, and Silver Star; in addition, it provides that upon application and proof of qualifications, the department shall issue these plates without payment of the license tax imposed by s. 320.08, F.S.

**Purple Heart Day:** The bill designates August 7 of each year as "Purple Heart Day," authorizes the Governor to annually issue a proclamation and encourages commemoration of Purple Heart Day.

**T. Patt Maney Military Veterans and Servicemembers Court Act:** The bill authorizes the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program (Program) for veterans and servicemembers who are convicted of a criminal offense and who suffer from a mental illness, traumatic brain injury (TBI), or substance abuse disorder as a result of their military service. Under the Program, a judge may sentence such veterans and servicemembers in accordance with ch. 921, F.S., and through services tailored to the individual needs of the participant. The bill includes requirements for entry into the Program. The bill also authorizes a court to impose a condition of supervision requiring probationers or community controllees whose crime was committed on or after July 1, 2012, and who is a servicemember or veteran, who suffers from a military service-related mental illness, TBI, or substance abuse disorder, to participate in a treatment program capable of treating the offender. The bill requires preference for certain treatment programs.

**Postsecondary Education Course Registration for Veterans:** The bill requires institutions within the Florida College System and the State University System that offer priority course registration for a segment of the student population (or upon the implementation of such a policy), to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also encourages independent postsecondary educational institutions to offer similar priority course registration. The bill provides that the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred would also be granted priority course registration, and that qualified GI Bill users will be eligible for priority registration until the expiration of the GI Bill educational benefits.

**Road Designations:** The bill makes 11 legislative designations of transportation facilities for honorary or memorial purposes. It also directs the Department of Transportation to erect suitable markers for each of the designations.

See Fiscal Analysis and Economic Impact Statement for details relating to the bill's fiscal impact.

The bill has an effective date of January 1, 2012, unless otherwise specified.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcs0977.EAC

DATE: 2/6/2012

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Florida Veterans' Hall of Fame (Section 1)**

###### **Present Situation**

The Florida Veterans Hall of Fame (Hall of Fame) was established during the 2011 Legislative Session<sup>1</sup> in an effort to recognize and honor military veterans who have made a significant contribution to the State of Florida through their works and lives during or after military service.<sup>2</sup>

The Hall of Fame is administered by the Florida Department of Veterans' Affairs (FDVA) and is located on the Plaza Level of the Capitol Building along the northeast front wall. Current law requires FDVA to annually accept nominations for persons to be considered for the Hall of Fame and transmit its recommendations to the Governor and the Cabinet, who will select the nominees to be inducted. Each veteran selected will have his or her name placed on a plaque in the Hall of Fame.

The FDVA must give preference to veterans who:

- Were born in Florida or adopted Florida as their home state or base of operation; and,
- Have made a significant contribution to Florida in civic, business, public service, or other pursuits.

The FDVA is further authorized to establish selection criteria, time periods for acceptance of nominations, the process for selecting nominees, and a formal induction ceremony to coincide with the annual commemoration of Veterans' Day. Initial inductions to the Hall of Fame are tentatively expected to take place on Veterans' Day 2012.

According to the general law,<sup>3</sup> the Hall of Fame is to be administered by FDVA without the appropriation of state funds. When the Hall of Fame was created in 2011, the Florida Veterans' Foundation, a 501(c)(3) organization and FDVA's Direct Support Organization authorized in s. 292.055, F.S., indicated it would be responsible for the initial and ongoing operation and maintenance costs of the Hall of Fame.

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

The bill establishes the Florida Veterans' Hall of Fame Council (council) within FDVA to serve as the advisory body tasked with accepting nominations of persons to be considered for induction into the Hall of Fame.

The council is to consist of 7 members who are all honorably discharged veterans, at least 4 of whom are members of a congressionally chartered veterans service organization. The Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, the President of the Senate, the Speaker of the House of Representatives, and the executive director of the FDVA each appoint one member to the council.

Council members serve 4-year terms with the exception of the initial appointments, for which appointees serve either a 2-year or 4-year term to ensure staggered terms among the council members. The members must annually elect a chair and will meet at the call of the chair, at the request of the executive director of the FDVA, or at such times as may be prescribed by the council.

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<sup>1</sup> Chapter 2011-168, L.O.F.

<sup>2</sup> Section 265.003, F.S.

<sup>3</sup> Section 265.003(2)(a), F.S.

The council takes the place of FDVA in annually accepting nominations for persons to be considered for the Hall of Fame. After acceptance of nominations, the council must transmit a list of 20 nominees to FDVA for submission to the Governor and Cabinet, who will select four persons from the list of nominees to be inducted. The council also assumes FDVA's current statutory authority to establish selection criteria, time periods for acceptance of nominations, the process for selecting nominees, and a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

Members of the council may not receive compensation for their services, but are entitled to reimbursement for travel expenses incurred in the performance of their duties. These travel expenses are to be paid by the Florida Veterans' Foundation.

## **Florida Veteran Business Enterprise Opportunity Act (Section 2)**

### **Present Situation**

#### **Florida Service-Disabled Veteran Business Enterprise Opportunity Act**

The intent of the Florida Service-Disabled Veteran Business Enterprise Opportunity Act<sup>4</sup> (act) is to

[R]ectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state, and the public, by providing opportunities for service-disabled veteran business enterprises as set forth in this section.<sup>5</sup>

Current law provides that a "service-disabled veteran" is a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense.<sup>6</sup>

In order for a service-disabled veteran business enterprise (SDVBE) to be certified, it must be an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees.
- Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments.
- Is organized to engage in commercial transactions.
- Is domiciled in this state.
- Is at least 51 percent owned by one or more service-disabled veterans.
- Is managed and controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.<sup>7</sup>

Florida law provides for a certification process that is administered by the Department of Management Services (DMS), in coordination with the Florida Department of Veterans' Affairs.<sup>8</sup> The certification process requires applicants to submit documentation<sup>9</sup> demonstrating that the business meets the requirements found in s. 295.187(3)(c), F.S. Certification is renewed biennially and may be revoked for one year if the SDVBE fails to inform DMS within 30 days of a change in circumstances that renders the business ineligible for certification.<sup>10</sup>

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<sup>4</sup> See s. 295.187, F.S.

<sup>5</sup> Section 295.187(2), F.S.

<sup>6</sup> Section 295.187(3)(b), F.S.

<sup>7</sup> Section 295.187(3)(c)1.-6., F.S.

<sup>8</sup> See s. 295.187(5) – (7), F.S.

<sup>9</sup> See 60A-9.005, F.A.C.

<sup>10</sup> See s. 295.187(5)(d) and (e), F.S.

Currently, there are 222 certified service-disabled veteran business enterprises in Florida.<sup>11</sup>

Service-disabled veteran-owned businesses that are certified through DMS are eligible for benefits such as:

- First tier referrals to state agencies for contract opportunities;
- Business development guidance from established corporations;
- Participation at regional workshops, seminars, and corporate roundtables; and
- Inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.<sup>12</sup>

### Vendor Preference

Current law provides that a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, and one is a certified SDVBE, the agency must award the procurement to the SDVBE if all relevant considerations<sup>13</sup> are equal.<sup>14</sup> However, if a certified SDVBE and one or more SDVBE or businesses eligible for another statutory vendor preference, such as a minority business enterprise<sup>15</sup>, submit bids or proposals that are equal with respect to all relevant considerations, the state agency must award the contract or proposal to the business having the smallest net worth.<sup>16</sup>

### **Effect of Proposed Changes**

#### Florida Veteran Business Enterprise Opportunity Act

The bill provides that the act may be cited as the “Florida Veteran Business Enterprise Opportunity Act.” It also expands the intent of the act to include the recognition of wartime veterans and veterans of a period of war for their sacrifices.

The bill expands the Florida Veteran Business Opportunity Act to include “wartime veterans.” It defines the term “wartime veteran” as:

- A wartime veteran as defined in s. 1.01(14), F.S.<sup>17</sup>; or
- A veteran of a period of war, as used in 38 U.S.C. 1521, who served in active military, naval, or air service:
  - For 90 days or more during a period of war;
  - During a period of war and was discharged or released from such service for a service-connected disability;
  - For a period of 90 consecutive days or more and such period began or ended during a period of war; or

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<sup>11</sup> Information provided by telephone on 1/19/12, by Mr. Thad Fortune, Certification Administrator (Senior Manager), Office of Supplier Diversity, DMS.

<sup>12</sup> See Office of Supplier Diversity Annual Report for Fiscal Year 2009-10. Available at:

[http://www.dms.myflorida.com/other\\_programs/office\\_of\\_supplier\\_diversity\\_osd/publications/annual\\_reports](http://www.dms.myflorida.com/other_programs/office_of_supplier_diversity_osd/publications/annual_reports) (last visited 1/19/12).

<sup>13</sup> Relevant considerations include price, quality, and service. See s. 295.187(4)(a), F.S.

<sup>14</sup> Section 295.187(4)(a), F.S.

<sup>15</sup> Section 288.703, F.S., defines the term “minority business enterprise” to mean any small business which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51 percent owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group.

<sup>16</sup> Section 295.187(4)(b), F.S.

<sup>17</sup> As defined in s. 1.01(14), F.S., the term “wartime veteran” means a veteran who has served in a campaign or expedition for which a campaign badge has been authorized or a veteran who has served during one of the following periods of wartime service: Spanish-American War, Mexican Border period, World War I, World War II, Korean Conflict, Vietnam Era, Persian Gulf War, Operation Enduring Freedom, or Operation Iraqi Freedom.

- For an aggregate of 90 days or more in two or more separate periods of service during more than one period of war.

The bill requires wartime veteran applicants to provide documentation of wartime service from the United States Department of Veterans' Affairs or the United States Department of Defense during the veteran business enterprise certification process. The Department of Veterans' Affairs is tasked with assisting DMS in the expansion of the certification process.

### Vendor Preference

The bill expands the vendor preference for service-disabled veterans to include wartime veterans and veterans of a period of war whose businesses are certified as a veteran business enterprise by DMS.

This section of the bill is effective July 1, 2012.

### **Special Use License Plates (Sections 3 – 4)**

#### **Present Situation**

##### Motor vehicle license plates; issuance; annual license taxes

The Department of Highway Safety and Motor Vehicles (DHSMV) administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.<sup>18</sup> The license plate fee for both an original issuance and replacement is \$28.00.<sup>19</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement.

Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight; for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

Current law provides for several types of license plates in addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- **Standard plates:** The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- **Specialty license plates:** Specialty license plates are used to generate revenue for colleges, universities and other organizations. Organizations seeking to participate in the specialty plate program are required to make application with DHSMV, pay an application fee, and obtain authority from the Florida Legislature.<sup>20</sup> The recipient must pay applicable taxes pursuant to ss. 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. The creation of new specialty license plates by DHSMV is prohibited until July 1, 2014.<sup>21</sup>
- **Personalized Prestige License Plates:** Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in s. 320.08, F.S.) is \$15, pursuant to s. 320.0805, F.S.

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<sup>18</sup> Section 320.06, F.S.

<sup>19</sup> An initial issuance requires a fee of \$225, pursuant to s. 320.072, F.S.

<sup>20</sup> See generally s. 320.08056, F.S.

<sup>21</sup> The moratorium on new specialty license plates is created by s. 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223, L.O.F.

- Special Use License Plates: Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Pearl Harbor, Iraqi Freedom, and Enduring Freedom plates,<sup>22</sup> Disabled Veteran plates,<sup>23</sup> and Paralyzed Veterans of America plates.<sup>24</sup>

Annually, the first \$100,000 of revenues from the sales of Special Use plates authorized under s. 320.089, F.S., are deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act.<sup>25</sup> Any additional revenues are deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.

### Combat Infantryman Badge

The Combat Infantryman Badge is the United States Army combat service recognition decoration awarded to soldiers — enlisted men and officers (commissioned and warrant) holding colonel rank or below, who personally fought in active ground combat while an assigned member of either an infantry or a Special Forces unit, of brigade size or smaller, any time after December 6, 1941.<sup>26</sup>

Combat Infantryman Badge recipients must have met the following criteria to have been awarded this honor as provided by the Military Awards Army Regulation 600-8-22:

- be an infantryman satisfactorily performing infantry duties;
- assigned to an infantry unit during such time as the unit is engaged in active ground combat; and
- actively participate in such ground combat – campaign or battle credit alone is not sufficient for the award of the Combat Infantryman Badge.

### Korean Conflict

World War II divided the Korean Peninsula at the 38th parallel. In 1950, communist North Korea invaded democratic South Korea. Military forces of the United States and other member states of the United Nations came to the aid of South Korea when the Soviet-supplied North Korean forces quickly overwhelmed the South Korean defenses. The Korean Conflict is characterized by General Douglas MacArthur's daring strategy of an amphibious landing at Inchon and pincer-movement to push back the North Koreans. This strategy was valiantly and successfully executed by American and allied forces in the face of almost certain defeat. After quickly recapturing Seoul, the South Korean capital, the conflict continued until an armistice was signed on July 27, 1953. The conflict was particularly notable for the conditions under which it was fought, including difficult terrain and brutal weather conditions.

Approximately 1.8 million U.S. servicemembers were deployed to the Korean theater of war, with 33,739 dying in battle and 103,284 suffering non-mortal wounds. There are almost 2.3 million living Korean Conflict veterans, with 169,254 living in Florida.<sup>27</sup>

<sup>22</sup> Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

<sup>23</sup> Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

<sup>24</sup> Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

<sup>25</sup> Section 320.089(1)(b), F.S.

<sup>26</sup> <http://www.army.mil/symbols/CombatBadges/infantry.html>

<sup>27</sup> *Fast Facts*, Florida Department of Veterans' Affairs, <http://www.floridavets.org/>

## Vietnam War

The Geneva Accords dividing Vietnam into a communist north and democratic south were signed in July of 1954. The rationale developed by the Eisenhower Administration to explain its economic and military support of South Vietnam became known as the "domino theory." Likening the countries of southeast Asia to a row of dominos, the President argued that if one country fell, it would trigger the fall of others.<sup>28</sup> Thus, the United States began to endorse and support South Vietnam's effort to defend against the communist North.

The U.S. initially supported South Vietnam in an advisory role but, by the mid-1960s, U.S. military forces were directly involved in combat operations against the North, in which over the course of the war, more than 3 million Americans were deployed to Southeast Asia.<sup>29</sup> American involvement in the war began to decline after the Paris Peace Accords were signed on January 27, 1973. The U.S. completed withdrawal of its ground troops from Vietnam on March 30, 1973, but thousands of U.S. support personnel remained in Vietnam. All remaining U.S. personnel were evacuated when Saigon fell on April 30, 1975.<sup>30</sup>

Military involvement in Vietnam, and the neighboring countries of Laos and Cambodia, resulted in the deaths of 58,220 U.S. service members, 1,952 of whom were from Florida.<sup>31</sup> An additional 153,303 U.S. service members required hospital care as a result of wounds.<sup>32</sup> There are approximately 7.5 million surviving veterans of the Vietnam War era, with approximately 454,000 residing in Florida.<sup>33</sup>

## Medal of Honor; Special Use License Plate

The Medal of Honor is the highest military decoration awarded by the United States government, awarded to members of the United States Armed Forces who distinguish themselves through "conspicuous gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States."<sup>34</sup> The Medal of Honor is bestowed upon an individual by the passing of a Joint Resolution of Congress and is then personally presented to the recipient or, in the case of posthumous awards, to next of kin, by the President of the United States, on behalf of the Congress, representing and recognizing the gratitude of the American people.

Section 320.0893, F.S., provides that a resident of Florida who was awarded the Medal of Honor while serving as a member of the United States Armed Forces may be issued a license plate on which is stamped the words "Medal of Honor" followed by the serial number. Upon submission of the application and proof that the applicant meets the qualifications the plate is issued without payment of the license tax imposed by s. 320.08, F.S.

## Distinguished Service Cross, Navy Cross, Air Force Cross

The Distinguished Service Cross is the second highest military decoration that can be awarded to a member of the United States Army for extreme gallantry and risk of life in actual combat with an armed enemy force.<sup>35</sup> Actions that merit the Distinguished Service Cross must be of such a high degree to be

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<sup>28</sup> The War in Vietnam, 1954-1964; <http://faculty.smu.edu/dsimon/Change-Viet.html>.

<sup>29</sup> *Statistics at a Glance*, Dep't of Veterans Affairs (as of 1/17/2012) and *America's Wars*, Dep't of Veterans Affairs (May 2010) available at: [http://www1.va.gov/opa/publications/factsheets/fs\\_americas\\_wars.pdf](http://www1.va.gov/opa/publications/factsheets/fs_americas_wars.pdf)

<sup>30</sup> U.S. Congress, President, and Florida Legislature recognize May 7, 1975, as the end of the Vietnam War (for purpose of veteran affairs). Text at: <http://www.gpo.gov/fdsys/pkg/CFR-2005-title45-vol3/pdf/CFR-2005-title45-vol3-sec506-10.pdf>; 14 Fla. Prac., Elder Law § 14:5 (2010-11 ed.).

<sup>31</sup> <http://thewall-usa.com/summary.asp>

<sup>32</sup> Anne Leland; Mari-Jana "M-J" Oboroceanu, American War and Military Operations: Casualties: Lists and Statistics, Congressional Research Service, <http://www.fas.org/sgp/crs/natsec/RL32492.pdf> (February 26, 2010); <http://siadapp.dmdc.osd.mil/personnel/CASUALTY/castop.htm>

<sup>33</sup> *Fast Facts*, Florida Dep't of Veterans' Affairs, <http://www.floridavets.org/>.

<sup>34</sup> 10 U.S.C. s. 3741.

<sup>35</sup> 10 U.S.C. s. 3742.

above those required for all other U.S. combat decorations but not meeting the criteria for the Medal of Honor.

The Navy Cross is the highest medal that can be awarded by the United States Department of the Navy<sup>36</sup> and along with the Distinguished Service Cross (U.S. Army) and the Air Force Cross, the second highest award given for valor. It is awarded to members of the United States Navy, United States Marine Corps, and United States Coast Guard.

The Air Force Cross is the second highest military decoration that can be awarded to a member of the United States Air Force.<sup>37</sup> The Air Force Cross is awarded for extraordinary heroism not justifying the award of the Medal of Honor. It may be awarded to any person who, while serving in any capacity with the U.S. Air Force, distinguishes him or herself by extraordinary heroism in combat.

### Silver Star Award

The Silver Star is the third-highest military decoration that can be awarded to a member of any branch of the United States armed forces for valor in the face of the enemy.<sup>38</sup> The Silver Star is awarded for gallantry in action against an enemy of the United States not justifying one of the two higher awards – the service crosses or the Medal of Honor.

### **Effect of Proposed Changes**

The bill amends s. 320.089, F.S., to create a special use plate for recipients of the Combat Infantry Badge. Upon payment of the license tax for the vehicle as provided in s. 320.08, F.S., and proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge, the applicant may receive a Special Use plate bearing the words "Combat Infantry Badge," followed by the serial number of the license plate.

The bill proposes to create a special use plate for Vietnam War Veterans. To be eligible for the plate, the veteran must show proof of active membership or former active duty deployment or service in Vietnam during United States military deployment in Indochina and must pay the applicable license tax for his or her vehicle. In lieu of the registration license number, the words "Vietnam War Veteran" will be stamped on the license plate, followed by the registration license number.

The bill proposes to create a special use plate for Korean Conflict Veterans. To be eligible for the plate, the veteran must show proof of active membership or former active duty deployment or service in Korea during United States military deployment in Korea and must pay the applicable license tax for his or her vehicle. In lieu of the registration license number, the words "Korean Conflict Veteran" will be stamped on the license plate, followed by the registration license number.

The bill provides that recipients of any of the Distinguished Service Cross, Navy Cross, Air Force Cross, and Silver Star may, upon application to DHSMV, receive a license plate with the name of the award, followed by the license plate serial number; in addition, the bill provides that upon application and proof of qualifications, DHSMV shall issue these plates without payment of the annual license tax imposed by s. 320.08, F.S. The qualifications are that the person is a United States citizen and Florida resident who have been awarded the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.

These sections of the bill are effective October 1, 2012.

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<sup>36</sup> 10 U.S.C. s. 6242.

<sup>37</sup> 10 U.S.C. s. 8742.

<sup>38</sup> 10 U.S.C. s. 3746.



## **Purple Heart Day (Section 5)**

### **Present Situation**

#### **The Purple Heart**

The Purple Heart was established by General George Washington on August 7, 1782, during the Revolutionary War, and reestablished by President Franklin D. Roosevelt in 1932.<sup>39</sup> The Purple Heart currently is awarded pursuant to executive order and federal law.<sup>40</sup> The award is given in the name of the President of the United States (U.S.) and is limited to members of the U.S. Armed Forces who, while serving under component authority in any capacity after April 5, 1917, has been:

- Wounded or killed;
- Died or may hereafter die after being wounded; or
- Wounded or killed as a result of friendly fire and in acts of terrorism.<sup>41</sup>

#### **Legal Holidays and Special Observance Days**

Current law establishes 50 legal holidays and special observance days, including Memorial Day, Veterans' Day, and Patriots' Day.<sup>42</sup> Legal holidays and special observances may apply throughout the state or they may be limited to particular counties. Designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees.<sup>43</sup> Current law does not contain a designation for Purple Heart Day.<sup>44</sup>

### **Effect of Proposed Changes**

The bill designates August 7 of each year as "Purple Heart Day." It authorizes the Governor to annually issue a proclamation designating August 7 as "Purple Heart Day." The bill encourages public officials, schools, private organizations, and all residents of the state to commemorate Purple Heart Day and to honor those wounded or killed while serving in any branch of the United States Armed Services.

This section of the bill is effective July 1, 2012.

## **T. Patt Maney Military Veterans and Servicemembers Court Act (Sections 6 – 8)**

### **Present Situation**

In 2008, the Florida Department of Veterans' Affairs and the Florida Office of Drug Control issued a paper examining the issue of mental health and substance abuse needs of returning veterans and their families.<sup>45</sup> The study noted that combat medical advances are enabling veterans of Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) to survive wounds that would have been fatal

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<sup>39</sup> See Army Regulation 600-8-22, Personnel-General, Military Awards, Chapter 2, Section 8, page 19, at [http://www.apd.army.mil/pdffiles/r600\\_8\\_22.pdf](http://www.apd.army.mil/pdffiles/r600_8_22.pdf) (last visited January 18, 2012).

<sup>40</sup> Executive Order 11016, April 25, 1962; Executive Order 12464, February 23, 1984; and Public Law 98-525, October 19, 1984.

<sup>41</sup> See Army Regulation 600-8-22, Personnel-General, Military Awards, Chapter 2, Section 8, page 20, at [http://www.apd.army.mil/pdffiles/r600\\_8\\_22.pdf](http://www.apd.army.mil/pdffiles/r600_8_22.pdf), provides definitions and examples of what qualifies and what does not qualify as a "wound" and other stipulations of who may receive the Purple Heart Award. (Last visited January 18, 2012).

<sup>42</sup> See chapter 683, F.S.

<sup>43</sup> Section 110.117, F.S., establishes which legal holidays are paid holidays for public employees.

<sup>44</sup> See chapter 683, F.S.

<sup>45</sup> Florida Department of Veterans' Affairs and Florida Office of Drug Control Green Paper, *Returning Veterans and Their Families with Substance Abuse and Mental Health Needs: Florida's Action Plan*, January 2009, page 5, [http://www.helppromotehope.com/documents/Veterans\\_Green\\_Paper.pdf](http://www.helppromotehope.com/documents/Veterans_Green_Paper.pdf) (last visited on January 10, 2012).

in previous conflicts, and thus some are returning with “more complex physical and emotional disorders, such as Traumatic Brain Injuries (TBI) and Post-Traumatic Stress Disorder (PTSD), substance abuse and depression.”<sup>46</sup> The study also estimated that approximately 29,000 returning veterans residing in Florida may suffer from PTSD or some form of major depression.<sup>47</sup>

A 2008 Rand Center report indicated that preliminary studies showed that 5 to 15 percent of OIF and OEF service members are returning with PTSD, 2 to 10 percent with depression, and an unknown number with TBI.<sup>48</sup> A person with any of these disorders also has a greater likelihood of experiencing other psychiatric diagnoses than do other persons.<sup>49</sup>

A report by the Center for Mental Health Services National GAINS Center of the federal Substance Abuse and Mental Health Services Administration (SAMHSA) noted that many veterans coming into contact with the criminal justice system may have unmet service needs.<sup>50</sup> Veterans’ courts have been established across the country as some judges have begun to recognize a correlation between the commission of offenses by veterans and substance abuse issues, mental health issues, and cognitive functioning problems.

Veterans’ courts have the goal of identifying veterans who would benefit from a treatment program instead of incarceration or other sanctions. They are typically patterned after successful specialty courts such as drug courts and mental health courts. Since 2008, legislation authorizing the establishment of veterans’ courts has been adopted or at least considered in California, Colorado, Illinois, Oregon, Texas and Virginia, and has been considered in Connecticut, Minnesota, Nevada, New Mexico, New York and Oklahoma.<sup>51</sup>

### Veterans’ Courts in Florida

There are several veterans’ court and veterans’ jail diversion initiatives in Florida.

The veterans’ court program in Miami-Dade County is available to veterans who are facing minor drug offenses and do not have a violent or extensive criminal history. In its initial stages, the program has drawn participants from defendants who are already involved with traditional drug court. They receive similar treatment, but also are assisted by a United States Department of Veterans Affairs (VA) psychologist and outreach coordinator.<sup>52</sup>

The Palm Beach County veterans’ docket began operating in November 2010.<sup>53</sup> A feature of the program is the assignment of a VA social worker supervisor to act as the court’s VA liaison. This VA employee has oversight of screening and case management services for eligible veterans. In addition to receiving any needed mental health and substance abuse treatment, participating veterans also have access to VA programs that address homelessness and unemployment.

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<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Rand Center for Military Health Policy Research, Benjamin R. Karney, Rajeev Ramchand, Karen Chan Osilla, Leah B. Caldarone, and Rachel M. Burns, *Invisible Wounds, Predicting the Immediate and Long-Term Consequences of Mental Health Problems in Veterans of Operation Enduring Freedom and Operation Iraqi Freedom*, April 2008, page 127, at [http://www.rand.org/pubs/working\\_papers/2008/RAND\\_WR546.pdf](http://www.rand.org/pubs/working_papers/2008/RAND_WR546.pdf) (last visited on January 10, 2012).

<sup>49</sup> *Id.*

<sup>50</sup> GAINS Center, *Responding to the Needs of Justice-Involved Combat Veterans with Service-Related Trauma and Mental Health Conditions*, August 2008, page 6, at [http://gainscenter.samhsa.gov/pdfs/veterans/CVTJS\\_Report.pdf](http://gainscenter.samhsa.gov/pdfs/veterans/CVTJS_Report.pdf) (last visited on January 10, 2012).

<sup>51</sup> National Association of Drug Court Professionals website at <http://www.nadcp.org/learn/veterans-treatment-courts/veterans-treatment-court-studies-and-statistics> (last visited on January 10, 2012).

<sup>52</sup> “Miami-Dade starts specialized drug court for military veterans,” May 4, 2011, <http://vetlawyers.com/vetblog/index.php/2011/05/miami-dade-starts-specialized-drug-court-for-military-veterans/> (last visited on January 10, 2012).

<sup>53</sup> The Veteran’s Docket was established by Administrative Order No. 4.905-11/10 of the Fifteenth Judicial Circuit for Palm Beach County, which can be downloaded from <http://15thcircuit.co.palm-beach.fl.us/web/guest/adminorders/series4> (last visited on January 10, 2012).

In April 2011, the Okaloosa County Commission approved creation of a veterans' court for the county that is expected to begin operation in 2012. Although there is currently no formal veterans' court, many cases of veterans in the county are already being referred to a court docket with special knowledge of veterans and veterans' issues. To determine eligibility, offenders are asked at initial booking if they have ever served in the military and what type of discharge they received. Veterans are further asked if they will sign a release in order to share information with the VA. Further screenings are conducted through the Pre-Trial Services Office, and the program use drug court case managers to monitor participants.

The 12th Judicial Circuit (DeSoto, Sarasota and Manatee Counties) has established a program called "Courts Assisting Veterans." While not a true veterans' court, it seeks to achieve similar goals through the use of existing programs, including referral of veterans to existing drug and mental health courts.<sup>54</sup>

In October 2009, the Department of Children and Families' Mental Health Program Office (department) was awarded over \$1.8 million from SAMHSA over five years to provide services and support for Florida's returning veterans who served in Iraq and Afghanistan and who suffer from PTSD and other behavioral health disorders. The department describes the grant and the project as follows:

The project will redesign the state's response to the needs of veterans and their family members by helping returning veterans learn to cope with the trauma of war and the adjustments of coming home and avoiding unnecessary involvement with the criminal justice system. Florida's project is based on a foundation of evidence-based screening, assessment, treatment and recovery practices. The grant will enable the Department to implement two veteran's jail diversion pilot projects for 240 veterans over the next five years. This grant will expand the Department's existing jail diversion programs by identifying veterans who have an initial contact with the criminal justice system, helping them enroll in Veteran's Administration benefits for those who are eligible, providing trauma-related treatment services, linking them with support services in their community, and providing specialized peer support services. Additionally, this grant enables the Department to include family members as recipients of services. One unique aspect of this grant is Florida's creation and implementation of a new state-level Veteran Peer Support Specialist credential, possible through the Department's ongoing partnership with the Florida Certification Board. Certification of trained veterans will professionalize what we know works - trained veterans who've been there helping other returning veterans adjust to their home and community. In the first year, the grant from the federal Substance Abuse and Mental Health Services Administration (SAMHSA) will provide DCF with \$268,849. Hillsborough County is one of two sites that will launch Florida's Jail Diversion and Trauma Recovery Program. The location of the other pilot project has not yet been determined.<sup>55</sup>

### Terms and Conditions of Probation

Probation is a form of community supervision requiring specified contacts with parole and probation officers and compliance with court-ordered conditions of supervision.<sup>56</sup> When someone is sentenced to probation, the court determines the terms and conditions of his or her supervision.<sup>57</sup> Section 948.03, F.S., sets forth standard conditions of supervision that a court may impose on offenders sentenced probation. These include conditions such as a requirement that the offender report to the probation and parole supervisors as directed, permit such supervisors to visit him or her at his or her home or elsewhere, work faithfully at suitable employment insofar as may be possible, remain within a specified place, submit written monthly reports, abide by the laws of the state, etc.<sup>58</sup> In addition to the standard

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<sup>54</sup>Courts Assisting Veterans, 12th Judicial Circuit, <http://12circuit.state.fl.us/ProgramsServices.aspx> (last visited on January 10, 2012).

<sup>55</sup> Florida Department of Children and Families' description of the Veterans Jail Diversion Grant at <http://www.dcf.state.fl.us/programs/samh/mentalhealth/consumerfamilyaffairs/currinitatives.shtml> (last visited on January 10, 2012).

<sup>56</sup> Section 948.001(8), F.S.

<sup>57</sup> Section 948.03, F.S.

<sup>58</sup> *Id.*

conditions of supervision, the court can impose any other special condition of supervision it considers proper (e.g., a condition requiring an offender to participate in treatment).<sup>59</sup>

### **Effect of Proposed Changes**

The bill provides that the act may be cited as the “T. Patt Maney Military Veterans and Servicemembers Court Act.”

The bill creates s. 394.48, F.S., entitled “Military veterans and servicemembers court programs.” The bill authorizes the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program (Program) under which veterans<sup>60</sup> and servicemembers<sup>61</sup> who are convicted of a criminal offense and who suffer from a mental illness, TBI, or substance abuse disorder as a result of their military service can be sentenced in accordance with ch. 921, F.S., in a manner that appropriately addresses the severity of the mental illness, TBI, or substance abuse disorder through services tailored to the individual needs of the participant.

The bill requires entry into a program to be based upon the sentencing court’s assessment of the defendant’s criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant’s agreement to enter the program.

The bill also creates s. 948.21, F.S., entitled “Condition of probation or community control; military service members and veterans.” The bill authorizes a court to impose a condition of supervision requiring probationers or community controllees whose crime was committed on or after July 1, 2012, and who is a servicemember or veteran, who suffers from a military service-related mental illness, TBI, or substance abuse disorder, to participate in a treatment program capable of treating the offender’s mental illness, TBI, or substance abuse disorder. The bill requires the court to give preference to treatment programs for which the probationer or community controllee is eligible through the United States Department of Veterans’ Affairs or the Florida Department of Veterans’ Affairs.

The bill provides that the Department of Corrections is not required to spend state funds on the implementation of this bill.

These sections of the bill are effective July 1, 2012.

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<sup>59</sup> Section 948.03(2), F.S.

<sup>60</sup> The bill defines the term “veteran” in accordance with s. 1.01(14), F.S., 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. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: Spanish-American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion; Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto; World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918; World War II: December 7, 1941, to December 31, 1946; Korean Conflict: June 27, 1950, to January 31, 1955; Vietnam Era: February 28, 1961, to May 7, 1975; Persian Gulf War: August 2, 1990, to January 2, 1992; Operation Enduring Freedom: October 7, 2001, and ending on the date thereafter prescribed by presidential proclamation or by law; or Operation Iraqi Freedom: March 19, 2003, and ending on the date thereafter prescribed by presidential proclamation or by law.

<sup>61</sup> The bill defines the term “servicemember” in accordance with s.250.01(19), F.S., as any person serving as a member of the U.S. Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

## Postsecondary Education Course Registration for Veterans (Sections 9 – 10)

### Present Situation

#### Priority Course Registration

Florida laws authorize colleges and universities to establish rules and policies to govern admission of students to programs and courses within the institutions. All State University System and Florida College System institutions have priority course registration for designated groups of students as a component of their admission policies.<sup>62</sup>

Priority course registration allows designated groups of students at colleges and universities to register for courses for an upcoming semester before the entire student population is able to register. Some examples of groups of students who may typically be eligible for priority course registration at institutions that implement such a policy include: upper division students, student athletes, students with disabilities, honors college students, and student veterans.

Postsecondary institutions are currently not required to offer veterans of the U.S. Armed Forces priority when registering for courses based on their status as a veteran.<sup>63</sup> It is at the discretion of both public and private institutions of higher education whether or not to offer priority course registration and to determine which groups of students would be eligible. If an institution does not offer priority registration for veterans, students who are veterans register for courses at the same time as the general student population.

Currently, the following public colleges and universities offer priority course registration for veterans: Florida International University, Florida State University, the University of South Florida, Tallahassee Community College, St. Petersburg College, Northwest Florida State College, and Miami-Dade College. The institutions licensed by the Commission for Independent Education (Commission) currently enroll veterans but do not generally provide priority course registration for a segment of the population.<sup>64</sup>

For those veterans who attend institutions that do not provide priority course registration for veterans using the GI Bill, the Department of Veterans' Affairs provided the following example: if a veteran using the GI Bill is a junior registering for classes, the veteran may have to wait for the seniors to register first. Then, the veteran would have to compete with other juniors to register for the class seats still available. If the veteran is unable to register for classes required for the degree, he or she would be unable to take non-degree electives to maintain full-time enrollment status and could receive a reduction of benefits through the GI Bill.<sup>65</sup>

#### Federal GI Bill Education Benefits Programs for Veterans

The U.S. Department of Veterans' Affairs (VA) administers a variety of education benefit programs, commonly known as the GI Bill, for veterans pursuing higher education. The most commonly utilized GI Bill benefits include the Montgomery GI Bill Active Duty and the Post 9/11 - GI Bill. The Post 9/11 - GI Bill is the most recent adaptation of the GI Bill and offers substantially enhanced financial assistance compared to the Montgomery GI Bill.

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<sup>62</sup> For public universities, the Florida Board of Governor's regulation 1.001(4)(a)3., authorizes the board of trustees of each state university to adopt university regulations or policies relating to the admission and enrollment of students, which would include priority course registration policies. Section 1007.263, F.S., governs admissions of students to Florida College System institutions.

<sup>63</sup> Section 1.01(14), F.S., defines the term "veteran" as a person who serves in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later receive an upgrade discharge under honorable conditions, notwithstanding any action by the U.S. Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

<sup>64</sup> Department of Education Analysis, *Bill Analysis for HB 45* (August 17, 2011).

<sup>65</sup> Telephone conversation with Department of Veterans Affairs Office (November 8, 2011).

*The Montgomery GI Bill Active Duty (MGIB-AD) Educational Assistance Program  
(Chapter 30 of Title 38, U.S. Code)*

The benefits outlined in chapter 30 are available to veterans who served on active duty service beginning on or after July 1, 1985. In order to use benefits under the MGIB-AD, service members must serve on active duty for a minimum of two years and receive a fully honorable discharge. Recipients receive one month of benefits for each month of active duty.

The GI Bill monthly payment rate is determined by two factors: student status (full time, half time, or part time) and duty status. In most cases a student would be considered a full time student if he or she is taking 12 or more credits per semester. If a student is on active duty, the GI Bill will only reimburse for the actual tuition and expenses. Once a student leaves active duty service, the GI Bill will pay the full payment rate regardless of the actual cost of tuition.<sup>66</sup>

*The Post 9/11 Veterans Educational Assistance Program (Post-9/11)  
(Chapter 33 of Title 38, U.S. Code)*

In order to qualify for chapter 33 benefits, a service member must have served on active duty for a minimum of 90 days after September 10, 2001. A veteran's eligibility for benefits under this chapter expires 15 years from the date of the last discharge. Individuals eligible under chapter 33 are entitled to 36 months of educational assistance. Service members enrolled in the Post-9/11 GI Bill program are able to transfer unused education benefits to their spouses or children.

The new Post 9/11 GI Bill, which went into effect on August 1, 2009, provides education benefits for service members who have served on active duty for 90 or more days since Sept. 10, 2001. These benefits are tiered based on the number of days served on active duty, creating a benefit package that gives current and previously activated National Guard and Reserve members the same benefits as active duty service members.<sup>67</sup>

### Veterans in Florida

Florida's population of 1.6 million veterans is the third largest in the nation, after California and Texas.<sup>68</sup> Florida is home to approximately 127,000 veterans whose ages range from 18-34, which demonstrates a significant concentration of "college age" veterans who may be interested in pursuing higher education either at the undergraduate or the graduate level.

Both nationwide and in Florida, there has recently been an influx of veterans on college campuses. Nationwide, the number of veterans enrolling in colleges has increased to approximately 800,000 veterans using the GI Bill in 2010, which is an increase of 40 percent from 2009.<sup>69</sup> In Florida, there is a large student veteran presence in universities and colleges. For the 2010 academic year, 10,966 veterans and/or spouses or dependent children were enrolled in the State University System of Florida;<sup>70</sup> 15,604 in the Florida College System;<sup>71</sup> 16,500 in private for-profit institutions; and 4,490 in private non-profit institutions.<sup>72</sup>

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<sup>66</sup> Active Duty Montgomery GI Bill User's Guide, available at <http://www.military.com/education/content/gi-bill/active-duty-gi-bill-users-guide.html>

<sup>67</sup> New Post 9/11 GI Bill Overview available at <http://www.military.com/education/content/gi-bill/new-post-911-gi-bill-overview.html>.

<sup>68</sup> Florida Department of Veterans' Affairs 2009-10 Annual Report, available at [http://www.floridavets.org/pdf/ann\\_rprt\\_10.pdf](http://www.floridavets.org/pdf/ann_rprt_10.pdf)

<sup>69</sup> Trevor Hughes, *Vets Go From Combat to Campus*, USA Today, April 12, 2011, available at [http://www.usatoday.com/news/education/2011-04-11-college-vets\\_N.htm](http://www.usatoday.com/news/education/2011-04-11-college-vets_N.htm)

<sup>70</sup> Board of Governors Analysis, *Bill Analysis for HB 45* (September 16, 2011).

<sup>71</sup> Email, Florida Department of Education, Division of Florida Colleges (October 28, 2011).

<sup>72</sup> Independent Colleges & Universities of Florida Accountability Report, 13, (2010), available at <http://www.icuf.org/newdevelopment/publications/icuf-accountability-report>

## **Effect of Proposed Changes**

This bill is intended to extend priority registration opportunities to veterans if the institution offers such opportunities to other students. More specifically, the bill requires institutions within the Florida College System and the State University System that offer priority course registration for a segment of the student population, or upon the implementation of such a policy, to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also allows for the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred to be granted priority course registration. The bill will enable veterans who are utilizing GI Bill educational benefits to have greater access to available courses, thereby decreasing the number of excess hours taken by veterans and reducing the time to graduation.

The bill encourages independent postsecondary educational institutions<sup>73</sup> that offer priority course registration for a segment of the student population, or upon the implementation of such a policy, to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred must also be granted priority course registration. Since independent postsecondary institutions are not required to implement a priority course registration policy, the impact on veterans enrolled in those institutions will depend upon whether a policy is adopted.

The bill provides that qualified GI Bill recipients will be eligible for priority course registration until the expiration of the GI Bill educational benefits.

These sections of the bill are effective July 1, 2012.

## **Road Designations (Sections 11 – 21)**

### **Present Situation**

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Department of Transportation (DOT) to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

- Army SP4 Thomas Berry Corbin died in combat in South Vietnam in 1968. He received the Army Silver Star.
- Navy BMC Samuel Calhoun Chavous, Jr., died in combat in South Vietnam in 1968.
- Marine Lance Cpl. Brian Rory Buesing died in combat in Iraq in 2003.
- Army Sergeant Karl Andrew Campbell died in Afghanistan in 2010.
- Army SPC James Anthony Page died in Afghanistan in 2010.
- Based in Mayport, FL., the USS Stark was attacked by an Iraqi jet fighter in 1987, killing 37 American sailors.
- Captain Jim Reynolds, Jr., USAF “Mailbu” died during a training mission at the Nellis Air Force Base Range in Nevada in 1993.

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<sup>73</sup> Section 1005.02(11), F.S., defines the term “independent postsecondary educational institutions” as any postsecondary educational institution that operates in this state or makes application to operate in this state, and is not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.”

- Army Sergeant Robert Daniel Sanchez died in combat in Afghanistan in 2009.
- Marine Corps Corporal Dustin Schrage died in Iraq in 2004.

## Effect of Proposed Changes

The bill makes the following honorary designations:

- That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592<sup>nd</sup> Street/Chavous Road/Kate Green Road in Dixie County as “SP4 Thomas Berry Corbin Memorial Highway.”
- That portion of U.S. Highway 19/98/State Road 55 between N.E. 592<sup>nd</sup> Street/Chavous Road/Kate Green Road and N.E. 170<sup>th</sup> Street in Dixie County as “U.S. Navy BMC Samuel Calhoun Chavous, Jr. Memorial Highway.”
- That portion of State Road 24 between County Road 374 and Bridge Number 340053 in Levy County as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”
- That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1<sup>st</sup> Avenue and S.E. 2<sup>nd</sup> Avenue in Levy County as “United States Army Sergeant Karl A. Campbell Memorial Highway.”
- That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as “U.S. Army SPC James A. Page Memorial Highway.”
- That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as “USS Stark Memorial Drive.”
- That portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis as “Captain Jim Reynolds, Jr., USAF “Malibu” Road.
- That portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive as “Veterans Memorial Highway.”
- That portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”
- That portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.”
- That portion of State Road 20/John Sims Parkway (57-040-000) between State Road 85 and the Walton County Line in Okaloosa County is designated as “Purple Heart Memorial Highway.”

The bill directs DOT to erect suitable markers designating each of the above designations.

These sections of the bill are effective July 1, 2012.

## B. SECTION DIRECTORY:

**Section 1:** Amends s. 265.003, F.S., to create the Florida Veterans’ Hall of Fame Council within the Department of Veterans’ Affairs.

**Section 2:** Amends s. 295.187, F.S., to revise the legislative intent; to expand vendor preferences to include wartime veterans and veterans of a period of war.

**Section 3:** Amends s. 320.089, F.S., providing for the issuance of a Combat Infantry Badge special use license plate; creates special use license plate for Vietnam War Veterans and Korean Conflict Veterans. **This section is effective October 1, 2012.**

**Section 4:** Creates s. 320.0892, F.S., relating to motor vehicle license plates for recipients of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross. **This section is effective October 1, 2012.**

**Section 5:** Creates s. 683.146, F.S., to designate August 7 of each year as “Purple Heart Day.”



- Section 6:** Entitles sections 6 through 8 of the act as the "T. Patt Maney Military Veterans and Servicemembers Court Act."
- Section 7:** Creates s. 394.48, F.S., relating to military veterans and servicemembers court programs.
- Section 8:** Creates s. 948.21, F.S., relating to condition of probation or community control; military service members and veterans.
- Section 9:** Creates s. 1004.075, F.S., relating to priority course registration for veterans; to require institutions within the Florida College System and the State University System to provide priority course registration for veterans if a priority course registration policy is implemented or exists, providing eligibility requirements.
- Section 10:** Creates s. 1005.09, F.S., relating to priority course registration for veterans; to encourage certain independent postsecondary educational institutions to provide priority course registration for veterans.
- Section 11:** Designates the SP4 Thomas Berry Corbin Memorial Highway; directs DOT to erect suitable markers.
- Section 12:** Designates the U.S. Navy BMC Samuel Calhoun Chavous, Jr. Memorial Highway; directs DOT to erect suitable markers.
- Section 13:** Designates the Marine Lance Corporal Brian R. Buesing Memorial Highway; directs DOT to erect suitable markers.
- Section 14:** Designates the Army Sergeant Karl A. Campbell Memorial Highway; directs DOT to erect suitable markers.
- Section 15:** Designates the U.S. Army SPC James A. Page Memorial Highway; directs DOT to erect suitable markers.
- Section 16:** Designates USS Stark Memorial Drive; directs DOT to erect suitable markers.
- Section 17:** Designates Captain Jim Reynolds, Jr., USAF "Malibu" Road; directs DOT to erect suitable markers.
- Section 18:** Designates Veterans Memorial Highway; directs DOT to erect suitable markers.
- Section 19:** Designates U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway; directs DOT to erect suitable markers.
- Section 20:** Designates U.S. Marine Corps Corporal Dustin Schrage Highway; directs DOT to erect suitable markers.
- Section 21:** Designates Purple Heart Memorial Highway in Okaloosa County; directs DOT to erect suitable markers.
- Section 22:** Provides an effective date of July 1, 2012, except as expressly provided in this act.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

##### **Special Use License Plates (Section 4)**

The fiscal impact is indeterminate negative, but likely insignificant to both state trust funds and general revenue.

For a standard size private use vehicle, net weight of 2,500 pounds or more, but less than 3,500 pounds, the annual tax is \$30.50, of which \$8 is deposited into the General Revenue Fund and the balance in the State Transportation Trust Fund. It is unclear how many Florida residents are recipients of these military decorations and would be eligible to apply for this license plate. Therefore, the revenue lost by the waiver of the license taxes under s. 320.08, F.S., is indeterminate to both the General Revenue Fund and the State Transportation Trust Fund.

#### 2. Expenditures:

##### **Florida Veteran Business Enterprise Opportunity Act (Section 2)**

The cost to implement this section is expected to be insignificant. The DMS estimates the cost of implementing HB 221, to be approximately \$10,000 related to programming system updates and \$30,000 to hire temporary staff (Other Personal Services) to process the certification applications of wartime veterans.<sup>74</sup>

Based on prior year spending by DMS, the cost to implement the provisions of this section can be covered within existing resources. In FY 2010-11, DMS reverted over \$79,000 in Other Personal Services budget authority. A review of the first six months of FY 2011-12, indicates DMS is estimated to revert in excess of \$60,000.

##### **Special Use License Plates (Section 3 – 4)**

The cost to produce these plates is minimal and can be absorbed within existing resources. It is unknown how many Florida residents are eligible to receive these plates, and therefore unknown how many will apply to receive the license plate.

##### **Purple Heart Day (Section 5)**

The Office of External Affairs within the Executive Office of the Governor prepares all proclamations. Reviewing and processing a proclamation may incur a cost. However, according to the Governor's office the cost is likely insignificant and provided as a courtesy.<sup>75</sup>

##### **Road Designations (Sections 11 – 21)**

DOT will incur costs of approximately \$11,000 (from the State Transportation Trust Fund) for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

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<sup>74</sup> Department of Management Services' Bill Analysis, September 15, 2011, on file with the House Government Operations Appropriations Subcommittee.

<sup>75</sup> Information received by telephone from Brenda Burdette, the Executive Office of the Governor, Legislative Affairs Office, January 18, 2012.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

**Florida Veteran Business Enterprise Opportunity Act (Section 2)**

This section may assist wartime veterans in competing for state contracts by expanding the Service-Disable Veteran Business Enterprise certification program to include wartime veterans and veterans of a period of war. This section may have a negative impact on the service-disable veteran enterprises as the section may diminish their ability to secure contracts under the preference as it expands the pool of vendors by allowing wartime veterans and veterans of a period of war to be certified as a Veteran Business Enterprise.

**Special Use License Plates (Section 4)**

Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross recipients wishing to indicate such status on their motor vehicle license plate would be entitled to receive a plate without paying the standard license tax required by s. 320.08, F.S.

**Postsecondary Education Course Registration for Veterans (Sections 9 – 10)**

A veteran or his or her spouse or dependent children receiving GI Bill educational benefits may benefit from priority course registration which would give the recipient greater access to the courses needed in order to move through a degree/certificate program rapidly and graduate earlier.

D. FISCAL COMMENTS:

**Florida Veterans' Hall of Fame Council (Section 1)**

The bill provides for the establishment of the Florida Veterans' Hall of Fame Council. Although members of the council may not receive compensation for their services, they are entitled to reimbursement for travel expenses incurred in the performance of their duties. According to the general law,<sup>76</sup> the Florida Veterans' Hall of Fame is to be administered by the Florida Department of Veterans' Affairs (FDVA) without the appropriation of state funds. When the Hall of Fame was created in 2011, the Florida Veterans' Foundation, a 501(c)(3) organization and FDVA's Direct Support Organization authorized in s. 292.055, F.S., indicated it would be responsible for the initial and ongoing operation and maintenance costs of the Hall of Fame.

**Special Use License Plates (Sections 3 – 4)**

The bill will require Information Systems Administration ("ISA") hours to implement, but these hours can be incorporated into ISA's normal workload.

**T. Patt Maney Military Veterans and Servicemembers Court Act (Sections 6 – 8)**

The Criminal Justice Impact Conference has determined that this bill will have no impact on state prison beds.

The bill provides that the Department of Corrections is not required to spend state funds to implement the requirements of the bill. Therefore, the bill does not have a fiscal impact on the Department of Corrections.

The Office of State Courts Administrator anticipates an increase in workload because the bill will require judicial effort to become familiar with veterans' treatment options, and additional hearing time to determine if defendants qualify for programs.<sup>77</sup> The Office of State Courts Administrator has determined the cost of the increase in workload can be absorbed within existing means.<sup>78</sup>

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<sup>76</sup> Section 265.003(2)(a), F.S.

<sup>77</sup> Office of State Courts Administrator, 2012 Judicial Impact Statement, HB 117, September 26, 2011

<sup>78</sup> E-mail from Eric Maclure, Director of Community and Intergovernmental Relations, Office of State Courts Administrator, January 25, 2012; On file with Justice Appropriations Subcommittee staff

## **Postsecondary Education Course Registration for Veterans (Sections 9 – 10)**

The State University System and the Florida College System expect a minimal fiscal impact as a result of the priority course registration. Both systems acknowledge that minimal expenses may occur due to computer programming and related administrative costs of implementation.<sup>79</sup>

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

##### **Florida Veteran Business Enterprise Opportunity Act (Section 2)**

This section amends s. 295.187(9), F.S., which currently authorizes the Department of Veterans' Affairs and the Department of Management Services to adopt rules, as necessary, to administer the Florida Service-Disabled Veteran Business Enterprise program. The departments may need to adopt additional rules to account for the expansion of the Florida Veteran Business Enterprise Opportunity program.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

##### **Florida Veterans' Hall of Fame Council (Section 1)**

The bill states that the Florida Veterans' Hall of Fame Council may establish selection criteria, time periods for acceptance of nominations, the process for selecting nominees, and a formal induction ceremony to coincide with the annual commemoration of Veterans' Day. FDVA is currently responsible for these provisions.

##### **Florida Veteran Business Enterprise Opportunity Act (Section 2)**

The Department of Management Services provided the following comments:

At present time there are 1,650,876 veterans living in Florida - 1,229,096 are considered "war-time" veterans (around 74 percent). Also, there are 3256 Florida veteran owned businesses registered on the US Federal Contractor Registration – only registered contractors are allowed to contract with the federal government.<sup>80</sup>

The Office of Supplier Diversity of the Department of Management Services projects that including wartime veterans and veterans of a period of war in the Veteran Business Enterprise Program would result in the registration and certification of 1,500-2,000 veteran businesses.<sup>81</sup>

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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<sup>79</sup> Department of Education Analysis, *Bill Analysis for HB 45* (August 17, 2011).

<sup>80</sup> *Id.* at 74.

<sup>81</sup> Information provided by telephone on January 19, 2012, by Mr. Thad Fortune, Certification Administrator (Senior Manager), Office of Supplier Diversity, DMS.