

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 860

INTRODUCER: Appropriations Committee; Military and Veterans Affairs, Space, and Domestic Security Committee

SUBJECT: Military and Veterans Affairs

DATE: March 6, 2014 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hoagland</u>	<u>Ryon</u>	<u></u>	<u>MS SPB 7020 as introduced</u>
2.	<u>Brown/Hoagland</u>	<u>Kynoch</u>	<u>AP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 860 contains provisions on a number of issues relating to employment, education, services, and benefits for current and former military personnel. The bill seeks to encourage veterans and recently separated service members to become permanent residents of Florida by promoting the state to veterans and by improving services, benefits, and honors.

Florida Is For Veterans, Inc., is created, in part, to help veterans achieve their employment goals. Veterans' employment preferences are expanded. A number of professional licensing provisions are modified, including extending certain fee waivers, addressing temporary certificates for military physicians, and authorizing reciprocal licensure for health care practitioners.

The bill provides out-of-state tuition fee waivers, allowing qualifying veterans to pay in-state rates at Florida post-secondary education institutions, and expands the state-funded education program for members of the Florida National Guard.

Several benefits currently offered to service members and veterans, are expanded to apply to certain family members. The bill also creates a memorial to veterans and eliminates the one-year Florida residency requirement for entrance into Florida veterans' home and nursing homes.

The bill appropriates \$1,930,874 in recurring funds and \$20,258,624 in nonrecurring funds from the General Revenue Fund for expenditures and full-time equivalent positions provided under the bill. As a result of the out-of-state tuition waivers for veterans, career and technical centers, Florida College System institutions, and state universities may not realize some tuition from students who are veterans.

II. Present Situation:

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

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

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

This bill contains provisions relating to employment, education, services, and benefits for current and former military personnel. Given the broad nature of the bill and multitude of proposals, information on the present situation for the relevant provisions of the bill is discussed in the Effect of Proposed Changes Section of this bill analysis.

III. Effect of Proposed Changes:

Florida National Guard Education Dollars for Duty Program (Section 1, 2 and 3)

Present Situation:

Education Dollars for Duty Program

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

¹ Florida Department of Veterans' Affairs, Fast Facts, http://floridavets.org/?page_id=50 last visited on January 24, 2014.

² Florida Defense Factbook, EFI and Haas Center, January 2013,

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

³ Florida's Military Profile, Enterprise Florida, Defense Office,

http://www.eflorida.com/fdstf/docs/info/Military_Install_Map.pdf last visited on January 24, 2014

⁴ Florida Defense Industry Economic Impact Analysis,

<http://www.floridadefense.org/documents/HAAS%20Study%202013/Impact2013FinalSubmission3.26.13.pdf> last visited on January 24, 2014.

⁵ Ch. 97-158, Laws of Florida

required to pay for the average tuition and fees at a public postsecondary education institution or public vocational-technical program. Noncredit courses or courses not leading to a degree or completion of career training are not permitted under the EDD program.⁶

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

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

Federal Education Programs

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

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. There are several programs available based on varying eligibility criteria. Florida National Guard members who have been deployed on federal active duty may be eligible for federal education benefits under the Montgomery GI Bill¹³ or the Post 9/11 GI Bill.¹⁴

Industry Certifications

The State Board of Education annually approves the Postsecondary Industry Certification Funding List, pursuant to s. 1008.44, F.S. The Chancellor of the State University System, the

⁶ Section 250.10(7) and (8), F.S.

⁷ Ibid.

⁸ Chapter 70-2, F.A.C.

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

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

¹¹ Section 250.10(8), F.S.

¹² [http://myarmybenefits.us.army.mil/Home/Benefit_Library/Federal_Benefits_Page/Tuition_Assistance_\(TA\).html?serv=149](http://myarmybenefits.us.army.mil/Home/Benefit_Library/Federal_Benefits_Page/Tuition_Assistance_(TA).html?serv=149)
last visited 3/7/14

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

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

Chancellor of the Florida College System, and the Chancellor of Career and Adult Education work with local workforce boards, other postsecondary institutions, businesses, and industry to identify, create, and recommend to the Commissioner of Education industry certifications to be placed on the funding list. The chancellors review results of the economic security report of employment and earning outcomes to assist in developing the list of approved industry certifications.¹⁵

Florida National Guard Deployments

Since September 2001, almost 12,000 members of the FNG have been deployed on federal missions,¹⁶ and many of these have had multiple deployments. Of the 12,000 FNG members deployed in the last 13 years, approximately 5,700 are currently serving in the Guard.¹⁷

Effect of Proposed Changes:

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

The bill provides preference and priority to eligible members who have deployed on federal military orders while a member of the FNG. The bill requires participants of the program to authorize the release of information by the postsecondary institution or technical center to the education service offices within the DMA.

The bill provides discretion to the Adjutant General to reimburse a member for books and fees based on available funding, regardless of the source of tuition funding. All tuition and fees for eligible members must be paid for the fiscal year prior to use of funds for books. Further, the bill modifies the limitations regarding funding to private institutions to reflect language within the federal Post-9/11 GI Bill to pay no more than the rate of the highest in-state tuition and fees at a public postsecondary education institution or public vocational-technical program.

The Adjutant General must adopt rules regarding approval of courses of study, industry certification training, and continuing education courses. Rules must also address guidelines for approving funds for licensing and industry certification examination fees. The DMA rules must include procedures for institutes of higher learning to release grade and status information to the DMA for students being funded through the EDD program. Rules must also provide guidelines for the payment of tuition and fees not to exceed the highest in-state tuition rate charged by a public postsecondary institution in Florida.

¹⁵ Section 1004.44, F.S.

¹⁶ Unit State*/ Home Residence for Service Members Currently Deployed, As of January 31, 2014, Source: Contingency Tracking System Deployment File

¹⁷ Correspondence from the Florida Department of Military Affairs to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on March 7, 2014.

Section 2 appropriates \$1.53 million in recurring funds from the General Revenue Fund to the DMA for the EDD program.

Section 3 appropriates \$250,000 in nonrecurring funds from the General Revenue Fund to the DMA for information technology upgrades related to the EDD program.

Uniform Code of Military Justice and the Manual for Courts-Martial (Section 4)

Present Situation:

The state National Guards are governed by the concurrent laws of the federal and respective state governments. All provisions of federal law, which relate to the Florida National Guard, and which are not inconsistent with the state constitution, are part of the military laws of Florida.¹⁸ The Florida Constitution specifies that the qualifications of a member of the Florida National Guard, and “the grounds and proceedings for their discipline and removal” must conform to the appropriate regulations of United States Army or Air Force.¹⁹

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

Florida National Guard members are subject to the Uniform Code of Military Justice, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.²⁰

Section 250.35, F.S., references the MCM and the UCMJ, 2008 editions. Federal regulations require states to annually review the MCM to remain current with changes to the UCMJ.²¹

Effect of Proposed Changes:

Section 4 amends s. 250.35, F.S., to update the reference to the UCMJ and the MCM to reflect the most current version, the 2012 edition.

Florida Veterans’ Walk of Honor and Memorial Garden (Section 5)

Present Situation:

The Legislature created the Florida Veterans’ Hall of Fame in 2011 to recognize and honor those military veterans who have made a significant contribution to the State of Florida.²² Section 265.002, F.S., created the Florida Medal of Honor Wall on the Plaza Level of the Capitol

¹⁸ Section 250.03, F.S.; 32 U.S.C.A. is the primary federal law addressing the organization of the state National Guards.

¹⁹ Article X, section 2(d) of the State Constitution.

²⁰ Section 250.351, F.S.

²¹ Executive Order 12473 (July 13, 1984). 10 U.S.C.

²² Section 265.003, F.S.

Building in 1996 to honor recipients of the Medal of Honor who are in some way associated with Florida.

Effect of Proposed Changes:

Section 5 creates s. 265.0031, F.S., to establish the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden. The Walk of Honor and Memorial Garden are to be administered and funded by the Florida Department of Veterans' Affairs' (FDVA) direct support organization, without appropriation of state funds. The bill directs the Florida Department of Management Services (DMS) to set aside an area for the Walk of Honor on the Capitol grounds. Further, the bill directs the DMS to set aside an area for the Memorial Garden. The DMS must consult with the FDVA and the FDVA's direct support organization regarding the design and theme of the area.

The FDVA's direct support organization will accept donations from the public for the Walk of Honor, which will generate a recurring funding stream for the support of veterans and for the construction and maintenance of the Memorial Garden.

Provisions relating to the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden are effective upon becoming law.

Veterans Preference in Public Employment (Sections 7-10)

Present Situation:

Florida provides a preference and priority in the hiring practices of government employers of the state and political subdivisions of the state²³ for certain veterans and their spouses who are residents of Florida. All advertisements and written job announcements must include notice that veterans and eligible spouses receive preference in employment and are encouraged to apply for the position.²⁴ Florida's veterans' preference in employment statutes do not require a government employer to hire an unqualified veteran over a more qualified non-veteran.²⁵

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:²⁶

- A veteran with a service-connected disability;
- The spouse of a person who is:
 - Unable to work due to a total, permanent disability resulting from a service-connected disability; or
 - Missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty;

²³ Subsection 1.01(8), F.S., defines "political subdivision" to include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

²⁴ Section 295.065, F.S.

²⁵ Harris v. State, Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

²⁶ s. 295.07(1)(a)-(d), F.S.

- A wartime veteran²⁷ who was honorably discharged; and
- The unremarried widow or widower of a veteran who died of a service-connected disability.

Certain government positions are exempt from the veterans' employment preference. Examples of exempt positions include: elected officers; members, officers and employees of the legislative and judicial branch; and positions that require licensure as a physician or a member of the Florida Bar.²⁸ However, positions in the State University System, career service positions in the Florida College System, and the School for the Deaf and the Blind are specifically not exempt.²⁹

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

- First preference is given to a veteran with a service-connected disability, the spouse of a veteran who is unable to work due to a permanent service-connected disability and the spouse of a servicemember missing in action or captured.
- Second preference is given to a wartime veteran and the widow and widower of a veteran who died of a service-connected disability.³⁰

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

- Ten points for a veteran with a service-connected disability, the spouse of a veteran that is unable to work due to a permanent service-connected disability, and the spouse of a servicemember missing in action or captured.
- Five points for a wartime veteran and the widow or widower of a veteran who died of a service-connected disability.³¹

The FDVA is charged with administering the grievance process for the veteran employment preference. The FDVA investigates any complaint filed with the department and may issue an opinion to the Public Employees Relations Commission (PERC) as to the merit or lack of merit in each case. The FDVA must also provide a copy of the investigative findings to the complainant and to the agency involved. Unresolved issues may go to the PERC.³²

The number of complaints filed with the FDVA has increased in the last several years, going from 143 complaints in Fiscal Year 2009-2010 to 1,125 complaints in Fiscal Year 2012-2013. Nine cases went to the PERC in Fiscal Year 2012-2013. Three cases were in the court system in Fiscal Year 2012-2013.³³

²⁷ Section 1.01(14), F.S., prescribes specified periods of wartime which qualify certain veterans for benefits exclusive to wartime veterans.

²⁸ Section 110.205(2), F.S.

²⁹ Section 295.07(4), F.S.

³⁰ Section 295.085, F.S.

³¹ Section 295.08, F.S.

³² Section 295.11, F.S.

³³ Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

Effect of Proposed Changes:

Section 7 of the bill amends s. 295.065, F.S., to modify Legislative intent language to reflect the inclusion of certain service members and family members of veterans added to the employment preference.

Section 8 amends s. 295.07, F.S., to authorize the following persons to receive an employment preference:

- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions.
- An honorably discharged veteran.³⁴ However, active duty for training does not constitute eligibility.
- A current member of any reserve component of the U.S. Armed Forces or the FNG.

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

Section 9 amends s. 295.08, F.S., to revise the preference points to be awarded for positions that are numerically selected as follows:

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

Section 10 amends s. 295.085, F.S., to revise the preference order for positions that are not based on numerical point system as follows:

- First preference:
 - A veteran with a service-connected disability;
 - The spouse of a veteran who is unable to work due to a permanent service-connected disability; and
 - The spouse of a service member missing in action, captured in the line of duty, or forcibly detained or interned in the line of duty.

³⁴ Subsection 1.01(14), F.S., defines a “veteran” as “a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.”

- Second preference:
 - A wartime veteran, who has served at least one day during a wartime period;
 - The unremarried widow or widower of a veteran who died of a service-connected disability;
 - The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions;
 - Any honorably discharged veteran. However, active duty for training does not constitute eligibility; and
 - A current member of any reserve component of the U.S. Armed Forces or the FNG.

Veterans Preference in Private Employment (Section 11)

Present Situation:

While the majority of states grant some form of employment preference to veterans in the public sector, private employers have been hesitant to favor veterans due to long-standing federal laws that prohibit discrimination in hiring.³⁵ Title VII of the Civil Rights Act of 1964 (Act) prohibits veterans' preference in employment as unlawfully discriminatory due to the potential disparate impact on women. However, Section 712 of the Act contains an exception which provides that veterans' preferences permitted pursuant to federal, state, or local law are not subject to challenge under Title VII.³⁶

Since 2011, four states have enacted statutes that allow private employers to create voluntary veterans' preference policies. These include the states of Washington, Minnesota, Arkansas, and North Dakota.³⁷

Effect of Proposed Changes:

Section 11 creates s. 295.188, F.S., to authorize, but not require, a private sector employer to establish a voluntary veterans' preference in employment process for an honorably discharged veteran or the spouse of a service-disabled veteran. The bill also clarifies that the provisions in the bill do not violate any state or local equal employment opportunity law.

Florida Is for Veterans, Inc. (Sections 12-21)

Present Situation:

Several Florida entities, as a part of their overall mission, provide education and employment assistance to veterans. In addition, Florida has created the Florida Defense Support Task Force to preserve and protect military installations to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.³⁸ However, no single entity

³⁵ NCSL, Giving Veterans Hiring Preference, by Jennifer Schultz, Vol. 21, No. 46, December 2013, available at: <http://www.ncsl.org/research/military-and-veterans-affairs/giving-veterans-hiring-preference.aspx?TabId=27550>.

³⁶ EEOC, Policy Guidance on Veterans' Preference Under Title VII, August 10, 1990. Available at: http://www.eeoc.gov/policy/docs/veterans_preference.html

³⁷ See *supra* Note 40.

³⁸ Section 288.987, F.S.

is focused on promoting Florida as the future home for recently separated or retired military personnel.

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

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

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

Effect of Proposed Changes:

Section 12 creates s. 295.21, F.S., to establish the Florida Is For Veterans, Inc., (FIFV) a nonprofit corporation in the FDVA, to promote Florida as a veteran-friendly state. The purpose of the FIFV is to encourage and assist retired and recently separated military personnel to keep or make Florida their permanent residence. It will also help equip veterans for employment opportunities and promote the hiring of veterans.

The FIFV must:

- Conduct market research by competitively procuring a contract with one or more entities to identify the target market and the educational and employment needs of the target population;
- Advise the Florida Tourism Industry Marketing Corporation (VISIT Florida) on:
 - The target market identified through market research;
 - Development and implementation of a marketing campaign to encourage retired and recently separated military personnel to live in Florida; and
 - Methods of information dissemination to veterans of all ages regarding access to benefits;
- Promote and enhance the value of military skill sets to businesses;

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

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

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

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

- Implement employment and training initiatives under the Veterans Employment and Training Services (VETS) program (created by the bill);
- Manage funds; and
- Administer specified programs.

The FIFV will be governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives will each appoint three members and must consider representation by active and retired military personnel and their spouses representing a range of ages and persons with experience in business, education, marketing, and information management. The members of the board will serve for four years and will annually elect a chairman from among the board members. In order to achieve staggered terms, the initial appointees of the Governor shall be for a two year period. With the exception of members appointed for a term of two years or less, members are limited one term. Appointments must be made by July 15, 2014.

The bill provides that members of the board are subject to the standards of conduct for public officers and employees,⁴³ restrictions on employment of relatives,⁴⁴ and the provision governing voting conflicts,⁴⁵ contained in Chapter 112, F.S. Additionally, a member of the board may not have a direct interest in a contract, franchise, privilege, project, program, or other benefit relating to an award by the FIFV while on the board and for two years following service on the board. Accepting appointment to the board in violation of these provisions or acceptance by a board member of a direct interest in any contract, franchise, etc., granted by the FIFV to an awardee within two years after the end of their appointment is a misdemeanor of the first degree. Members of the board are required to file a financial disclosure.⁴⁶ Members of the board serve without compensation; however, they will be reimbursed for travel associated with the corporation.

The FIFV has the powers provided to not-for-profit corporations in ch. 617, F.S., and, in addition:

- May enter into contracts and other instruments, make expenditures, adopt and revise bylaws, accept funding for programs and activities from federal, state, local and private sources, and adopt and register a fictitious name for marketing.
- Is prohibited from issuing bonds and must revert to the state any moneys and property held by the corporation if the corporation ceases to exist.
- Is subject to public records and meetings provisions of Florida statutes.⁴⁷
- May hire staff. All agencies of the state are directed to provide such technical assistance as the corporation needs to identify programs within each agency that provide assistance or benefits to veterans. The FDVA may provide department property, facilities and personal services to the corporation.

⁴³ Section 112.313, F.S.

⁴⁴ Section 112.3135, F.S.

⁴⁵ Section 112.3143, F.S.

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

⁴⁷ Chapters 119 and 286, F.S.

The FIFV must provide the Governor and Legislature with an annual progress report and work plan by December 1 of each year. The report must include the status and summary of findings regarding the target market, veteran benefits and any identified gaps in services; status of the marketing campaign, delivery systems of the marketing campaign, and outreach; status of the VETS program; proposed revisions or additions to the performance measurements for their programs; identification of contracts that the corporation enacted to carry out its duties; and annual compliance and financial audit of accounts and records.

In the event of the dissolution of FIFV, all moneys and property of the FIFV will revert to the state.

Sections 13 and 14 create the VETS program and the marketing campaign related to the functions of the FIFV. These sections provide administrative and advisory roles for the FIFV. Both programs are explained below in separate sections of the bill analysis.

Section 16 provides that \$56,768 in recurring funds and \$4,258 in nonrecurring funds from the General Revenue Fund and one full-time equivalent position are appropriated to the DVA to assist the FIFV in performing state financial activities.

Section 17 appropriates \$344,106 in recurring funds and \$14,391 in nonrecurring funds from General Revenue to the DVA for start-up, staffing, and general operations of the FIFV.

Section 18 requires the FIFV to submit a plan to the Legislative Budget Commission (LBC) by August 15, 2014, that:

- Provides a strategy and framework for the general operations of the FIFV to fulfill its purpose, duties, and goals associated with s. 295.21, F.S., and the VETS program.
- Provides specific performance measures that will serve to evaluate the functions of the FIFV.
- Details existing expenditures and obligations of FIFV and provides a budget and timelines for expected expenditures for general operations and other functions of the corporation.

The LBC must approve performance measures for the FIFV prior to expenditure of any funds appropriated for the VETS program. Copies of the plan will also be provided to the Speaker of the House and the President of the Senate.

Section 19 requires VISIT Florida and the FIFV to jointly develop and submit performance measures that will serve to evaluate the research and marketing campaign created in s. 295.23, F.S., to the LBC by August 15, 2014. The LBC must approve performance measures for the FIFV prior to expenditure of any funds relating to the research and marketing campaign. Copies of the performance measures will also be provided to the Speaker of the House and the President of the Senate.

Section 20 requires the FIFV to submit a report no later than February 2, 2016, to the Governor, the President of the Senate, and the Speaker of the House, identifying existing gaps in veteran resources and recommending best practices to assist veterans and improve current or new resources and programs.

Section 21 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a performance audit of the corporation by February 1, 2018, to assess the implementation and outcomes of the activities of the VETS program and the research and marketing program, and to evaluate accomplishments and progress toward making Florida a veteran-friendly state. The audit findings will be submitted to the President of the Senate and the Speaker of the House of Representatives.

Veterans Employment and Training Services Program (VETS) (Sections 6, 13, 18 and 21)

Present Situation:

See Present Situation under Florida Is For Veterans, Inc.

Effect of Proposed Changes:

Section 13 creates in s. 295.22, F.S., the VETS program, which will be administered by the FIFV, with the purpose of connecting veterans and employers. The FIFV is required to provide services to veterans and employers.

Services offered to veterans include:

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

The FIFV is required to contract, through competitive procurement, with one or more public or private universities to administer entrepreneurship initiative programs for veterans. The selected universities must demonstrate a commitment of university resources to such a program, have a military and veteran resource center, have a regional small business development center, and have been nationally recognized for commitment to the military and veterans. The initiative may include peer-to-peer learning, mentoring, technical assistance, networking, and use of tools in a virtual environment.

Services offered to employers include:

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

Additionally, the FIFV is required to create a grant program for businesses to provide funding for training veterans to meet a business's workforce needs. The grant funds are permitted to pay any training provider selected by the business, including in-house providers and state colleges or

universities. Preference is given to targeted industry businesses.⁴⁸ A business must enter into an agreement with FIFV for the grant and must provide a match to the grant funds of at least 50 percent. Grant terms may not exceed 48 months. Grant funds are limited to \$8,000 per veteran trainee to pay for costs such as tuition, fees, books, and rental fees for facilities. Grant funds may only be used in the absence of available veteran-specific, federally-funded programs. However, a grant under this program may be combined with a grant under the Quick Response Training Program under s. 288.047, F.S.

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

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

Section 6 amends s. 288.0001, F.S., to require the Office of Economic and Demographic Research and the OPPAGA to include the entrepreneurship initiative and training grant programs created under the VETS program as part of the Economic Development Programs Evaluation in 2019.

Section 18 requires the FIFV to submit a plan and performance measures to the LBC and is discussed above in Effect of Proposed Changes under Florida Is For Veterans, Inc.

Section 21 provides for a performance audit and is discussed above in Effect of Proposed Changes under Florida Is For Veterans, Inc.

Veterans Research and Marketing Campaign (Sections 14, 15, 19 and 21)

Present Situation:

See Present Situation under Florida Is For Veterans, Inc.

Effect of Proposed Changes:

Section 14 creates s. 295.23, F.S., directing the Florida Tourism Industry Marketing Corporation (VISIT Florida) to develop and conduct a marketing campaign to encourage retired and recently separated military personnel to remain in Florida, or to make Florida their permanent residence. In addition, VISIT Florida is to develop a process to disseminate information regarding veteran benefits to veterans and military personnel targeted to the interests and needs of veterans of all ages.

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

FIFV and VISIT Florida must coordinate their efforts in implementing the research and marketing campaign. VISIT Florida must provide input to the FIFV on research to identify the target market. In addition, VISIT Florida must seek advice from FIFV on the scope, process and focus of the marketing campaign at all stages of the campaign.

VISIT Florida is to expend \$1 million annually on marketing the state to veterans as a permanent home and on disseminating information to improve veterans' knowledge of and access to benefits from existing funds appropriated to VISIT Florida and private funds.

Section 15 provides, for Fiscal Year 2014-2015, that VISIT Florida provide FIFV \$300,000 to conduct the market research.

Section 19 requires VISIT Florida and FIFV to submit performance measures to the LBC and is discussed above in Effect of Proposed Changes under Florida Is For Veterans, Inc.

Section 21 provides for a performance audit and is discussed above in Effect of Proposed Changes under Florida Is For Veterans, Inc.

Florida Veterans' Domiciliary Home and Veterans' Nursing Homes (Sections 22 and 23)

Present Situation:

The FDVA operates six skilled nursing facilities in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte and St. Augustine, and one assisted living facility in Lake City. Skilled nursing care is provided to veterans with qualifying war or peacetime service whose need for such care has been certified by a USDVA physician. Assisted living level care is provided at the Robert H. Jenkins State Veterans' Domiciliary Home in Lake City, and includes rehabilitative assistance and other therapeutic measures to eligible ambulatory veterans who are not in need of hospitalization or skilled nursing services. The Robert H. Jenkins State Veterans' Domiciliary Home operated at an average occupancy rate of 86 percent in Fiscal Year 2012-2013. Occupancy rates for the state veterans' nursing homes are much higher, ranging from 97.1-percent to 99.9-percent in Fiscal Year 2012-2013.⁴⁹

Veterans must be a Florida resident for at least one year prior to applying for admittance into the state veterans' domiciliary home or the state veteran's nursing homes.⁵⁰

Effect of Proposed Changes:

Sections 22 and 23 amend ss. 296.06 and 296.36, F.S., respectively, to remove the one-year residency requirement for admittance into the state veterans' domiciliary home or the state veteran's nursing homes. However, the requirement that an applicant be a resident of Florida when the application is submitted is retained.

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

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

Driver License Exemptions for Nonresident Military Service members (Section 24)

Present Situation:

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.⁵¹ However, a nonresident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.⁵² Pursuant to this exemption, nonresident service members and their dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.⁵³

Current law provides that once a nonresident⁵⁴ enrolls his or children in a Florida public school or accepts employment in the state, the nonresident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.⁵⁵ Under such circumstances, the spouse and dependent children of the nonresident must also obtain a Florida driver license within that 30-day period.

Section 322.031(2), F.S., exempts an active duty service member stationed in Florida from obtaining a Florida driver license solely because the service member enters his or her children in a Florida public school. To be eligible for the exemption, the service member must have a valid military driving permit or a valid driver license issued by another state. This exemption currently does not apply to the spouse or dependent children of a service member, only to the individual service member.

Effect of Proposed Change:

Section 24 amends s. 322.031, F.S., to expand the exemption from the requirement to obtain a Florida driver license that is currently afforded to nonresident active-duty U.S. Armed Forces service members to include the service member's spouse and dependent child residing with him or her. The spouse or dependent child of an active duty nonresident service member does not have to obtain a Florida driver license because he or she enrolled his or her child in public school or has accepted employment in this state.

Driver License Extensions for Military Personnel and Dependents (Section 25)

Present Situation:

Florida driver license holders are required to periodically renew their driver license⁵⁶ upon payment of the required renewal fees and successful passage of any required examination.⁵⁷ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight

⁵¹ Section 322.03(1), F.S.

⁵² Section 322.04(1)(c), F.S.

⁵³ Op. Att'y Gen. Fla 78-164 (1978).

⁵⁴ Nonresident migrant or seasonal farm workers as defined in s. 316.003(61), F.S., are excluded.

⁵⁵ Section 322.031(1), F.S.

⁵⁶ Pursuant to s. 322.18(4)(a), F.S., driver licenses are generally valid for eight years.

⁵⁷ Section 322.18(4)(a), F.S.

and hearing is required.⁵⁸ The renewal fee for a Class E driver license is \$48. A delinquent fee of \$15 is assessed for the renewal of a Class E driver license within 12 months after the expiration date of the license.⁵⁹

Section 322.121(5), F.S., grants military service members serving on active duty outside this state, and their dependents residing with them, an automatic extension without reexamination for a Class E driver license that expires while performing such service. This extension is valid for 90-days after the service member is either discharged or returns to the state of Florida to live. Upon a service member's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the service member's and his or her dependents' driving privileges.⁶⁰ The DHSMV currently recognizes a "dependent" as a service member's spouse, children and step-children under the age of 21, living in the same household.⁶¹

Effect of Proposed Change:

Section 25 amends s. 322.121, F.S., to clarify that the spouse of a resident military service member is eligible for an automatic extension without reexamination for a Florida driver license that expires while the spouse resides with the service member who is stationed outside of Florida.

Professional Licensing Fee Waiver (Sections 26, 27, 33)

Present Situation:

Department of Business and Professional Regulation License Fee Waivers for Veterans

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

Department of Health License Fee Waivers for Veterans

Section 456.013, F.S., provides the general licensing provisions for all professions regulated by the Division of Medical Quality Assurance within the Department of Health (DOH). The initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably discharged military veteran who applies to the DOH for a license within 24 months after discharge from the U.S. Armed Forces are waived.

⁵⁸ Section 322.121(1), F.S.

⁵⁹ Section 322.21(1)(c), F.S.

⁶⁰ DHSMV, *Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida*, (April 2014), <http://www.flhsmv.gov/MilExtCard.pdf> (last visited 2/10/14).

⁶¹ DHSMV website, *How do I renew my license or ID card?* Available at: <http://www.flhsmv.gov/ddl/renewing.html> (last visited 2/10/14)

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

Effect of Proposed Changes

Sections 26 amends s. 455.213, F.S., to increase the time period during which the DBPR must waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 27 amends s. 456.013, F.S., to increase the time period during which the DOH must waive the initial licensing fee, the initial application fee and initial unlicensed activity fee for a military veteran who has been honorably discharged from the U.S. Armed Forces to 60 months after discharge. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Section 33 amends s. 468.304, F.S., to increase the time period during which the DOH must waive the initial application fee for an honorably discharged military veteran who applies to the DOH for a certification applicable to radiological personnel to 60 months after discharge from the U.S. Armed Forces. The bill also expands this benefit to the spouse of an honorably discharged veteran and specifies that the spouse must have been married to the veteran at the time of discharge in order to qualify.

Health Practitioner Licensure (Sections 28 – 32)

Present Situation:

The Department of Health (DOH) is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.⁶² The Division of Medical Quality Assurance (MQA) within the DOH evaluates the credentials of all applicants for licensure, issues licenses, investigates complaints, assists in prosecuting violations of the practice acts, combats unlicensed activity, and provides information about the credentials and discipline history of licensees to the public.⁶³

Health care practitioners licensed and regulated by the MQA include:

- Emergency Medical Technicians and Paramedics (part III of ch. 401, F.S.)
- Acupuncture (ch. 457, F.S.)
- Allopathic Medicine, (ch. 458, F.S.)

⁶² Section 20.43(1)(g), F.S.

⁶³ Florida Dept. of Health, *Resource Manual for the Florida Department of Health*, 254 - 260 (FY 2012-2013) (on file with the Senate Health Policy Committee).

- Osteopathic Medicine, (ch. 459, F.S.)
- Chiropractic Medicine, (ch. 460, F.S.)
- Podiatric Medicine (ch. 461, F.S.)
- Naturopathy (ch. 462, F.S.)
- Optometry (ch. 463, F.S.)
- Nursing, including Certified Nursing Assistants (ch. 464, F.S.)
- Pharmacy (ch. 465, F.S.)
- Dentistry (ch. 466, F.S.)
- Midwifery (ch. 467, F.S.)
- Speech-Language Pathology and Audiology (part I of ch. 468, F.S.)
- Nursing Home Administration (part II of ch. 468, F.S.)
- Occupational Therapy (part III of ch. 468, F.S.)
- Radiology (part IV of ch. 468, F.S.)
- Respiratory Therapy (part V of ch. 468, F.S.)
- Dietetics and Nutrition (part X of ch. 468, F.S.)
- Athletic Training (part XIII of ch. 468, F.S.)
- Orthotics, Prosthetics, and Pedorthics (part XIV of ch. 468, F.S.)
- Electrolysis (ch. 478, F.S.)
- Massage Therapy, (ch. 480, F.S.)
- Clinical Laboratory Personnel (part III of ch. 483, F.S.)
- Medical Physicists (part IV of ch. 483, F.S.)
- Opticianry (part I of ch. 484, F.S.)
- Hearing Aid Specialists (part II of ch. 484, F.S.)
- Physical Therapy Practice (ch. 486, F.S.)
- Psychology (ch. 490, F.S.)
- Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (ch. 491, F.S.)

Subject to limited exceptions, a health care practitioner must obtain a Florida license and comply with the relevant practice act in order to provide medical care in the state. Florida law authorizes military personnel to provide medical care to U.S. soldiers and other citizens as part of their official duties,⁶⁴ but does not authorize them to provide medical care to the public without first obtaining a Florida license or a temporary certificate.⁶⁵

Sections 458.315 and 459.0076, F.S., allow a physician who holds a license in any jurisdiction of the United States, or who has served as a physician in the United States Armed Forces for at least 10 years and received an honorable discharge to obtain a temporary certificate to practice in areas of critical need.

⁶⁴ See s. 250.375, F.S., authorizing physicians who hold an active license to practice in medicine in any other state or Puerto Rico, while serving as medical officer in the Florida National Guard, to practice medicine on military personnel or civilians during an emergency or declared disaster, or during federal military training; s. 458.303(c), F.S., exempting commissioned medical officers of the Armed Forces of the United States and of the U.S. Public Health Services, while on active duty and while acting within the scope of their military or public health responsibilities.

⁶⁵ Sections 458.315 and 459.0076, F.S., allow a physician who holds a license in any jurisdiction of the United States, or who has served as a physician in the United States Armed Forces for at least 10 years and received an honorable discharge to obtain a temporary certificate to practice in areas of critical need.

Effect of Proposed Changes:

Section 28 amends s. 456.024, F.S., to authorize a person who has served as a health care practitioner in the military to obtain a license to practice in Florida. To be eligible, the applicant must have: an active license in another state, the District of Columbia, or possession or territory of the United States and had no disciplinary actions against that license within the last five years; received an honorable discharge within six months of submitting the application; and actively practiced for the three years preceding the date of the application.

Sections 29 and 31 amend ss. 458.315, F.S., and 459.0076, F.S., to remove the language related to military physicians.

Sections 30 and 32 create ss. 458.3151, F.S., and 459.00761, F.S., respectively, which provide an expedited application procedure for active duty military personnel and veterans who served at least 10 years as a commissioned medical officer, to obtain a temporary certificate to practice in areas of critical need or other specified locations that provide medical care to underserved populations. To be eligible, a physician must have an active medical license to practice in any jurisdiction of the United States and, if active duty, submit a letter from military command authorizing the additional practice. The Board of Medicine or Board of Osteopathic Medicine, as applicable, must act on the application within 60 days and may approve or deny the certificate, or issue a conditional certificate. A physician with a temporary certificate may enter into a contract to provide volunteer services and obtain sovereign immunity pursuant to s. 766.1115, F.S.

Prescription Drug Wholesale Distributor (Section 34)***Present Situation:***

Prescription drug wholesale distributors are regulated by DBPR's Drugs, Devices, and Cosmetics division. All applicants and permittees must designate in writing at least one natural person to serve as the designated representative (certified designated representative).⁶⁶ Such person must have an active certification from the DBPR.⁶⁷ Part of the eligibility criteria to obtain a certification as a designated representative is having at least two years of either of the following types of verifiable, full-time work experience:⁶⁸

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

⁶⁶ Section 499.012(16)(a), F.S.

⁶⁷ *Id.*

⁶⁸ Section 499.012(16)(b)(3), F.S.

Effect of Proposed Changes:

Section 34 amends s. 499.012(16)(b)(3), F.S., to provide a third option to satisfy the work experience permit requirement, which states “managerial experience with the United States military, where the applicant’s responsibilities included, but were not limited to, recordkeeping, warehousing, distribution, or other logistics services pertaining to prescription drugs.”

Charter Schools (Section 35)***Present Situation:***

There are approximately 1.3 million children of active duty members of the Armed Forces.⁶⁹ In addition, there are over 700,000 children of members of the reserve component of the Armed Forces.⁷⁰ The state of Florida has the seventh highest number of military students attending public schools in the country.⁷¹

Children in active-duty military families face unique educational challenges. The average military student faces transition challenges more than twice during high school, and most military children will have six to nine different school systems in their lives from kindergarten to 12th grade.⁷²

As a result, military children often experience delayed enrollment, inappropriate grade-level placement, exclusion from educational programs and extracurricular activities, and delayed graduation.⁷³

Effect of Proposed Changes:

Section 35 amends s. 1002.33, F.S., as follows:

- The Legislature finds that military families face unique challenges due to the highly mobile nature of military service. Among the challenges is providing a high-quality education for their children without disruption. The state has a compelling interest in assisting the development and enhancement and learning opportunities for military children and addressing their unique needs.
- It is the intent of the Legislature that a framework be established to address the needs of military children. In establishing this framework, military installation commanders are encouraged to collaboratively work with the Commissioner of Education to increase military family student achievement, which may include the establishment of charter schools on military installations. Although the State Board of Education, through the Commissioner of

⁶⁹ Military Child Education Coalition, A Policy Leaders’ Guide to Military Children, 2012, available at <http://www.militarychild.org/parents-and-students/resources> (last viewed February 27, 2014).

⁷⁰ Id.

⁷¹ Id.

⁷² Council of State Governments, Interstate Compact of Educational Opportunity for Military Children, Legislative Resource Kit, 2008, available at: <http://www.csg.org/programs/policyprograms/NCIC/MIC3ResourcesandPublications.aspx> (last viewed February 27, 2014).

⁷³ Council of State Governments, Interstate Compact of Educational Opportunity for Military Children, Legislative Resource Kit, 2008, available at: <http://www.csg.org/programs/policyprograms/NCIC/MIC3ResourcesandPublications.aspx> (last viewed February 27, 2014).

Education, shall supervise this collaboration, the applicable school district shall operate and maintain control over any school that is established on the military installation.

Veteran Tuition Waiver Program (Section 36)

Present Situation:

Under Florida law, “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”⁷⁴ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.⁷⁵

An “out-of-state fee” is defined as “the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate.”⁷⁶ A “non-resident for tuition purposes” is defined as a “person who does not qualify for the in-state tuition rate,”⁷⁷ and pays the out-of-state fee in addition to tuition.

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless such costs are exempted or waived.⁷⁸

Florida law provides fee exemptions⁷⁹ and fee waivers⁸⁰ to qualified students that meet specified criteria. A number of fee exemptions and fee waivers are permissive⁸¹ while others are mandatory.⁸²

Regarding military personnel, Florida law provides a mandatory undergraduate fee waiver for “each recipient of a Purple Heart or another combat decoration superior in precedence” at a state university or Florida College System (FCS) institution.⁸³

⁷⁴ Section 1009.01(1), F.S. Additionally, the definition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

⁷⁵ Section 1009.21(1)(g), F.S.

⁷⁶ Section 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

⁷⁷ Section 1009.21(1)(e), F.S.

⁷⁸ Sections 1009.23(2)(a) and 1009.24(2), F.S.

⁷⁹ Section 1009.25, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (noting that “[a]n exemption is provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees”).

⁸⁰ Section 1009.26, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (providing that a “waiver occurs when a student has his or her fees, which would otherwise be due, waived or forgiven by an institution”).

⁸¹ Section 1009.25(2), F.S. (authorizing each Florida College System institution to grant additional fee exemptions “up to 54 full-time equivalent students or 1 percent of [an] institution’s total full-time equivalent enrollment, whichever is greater at each institution”); ss. 1009.26(1)-(4), (6), (9), (10), (11), F.S.

⁸² Section 1009.25(1)(a)-(g), F.S.; ss. 1009.26(5), (7), (8), F.S.

⁸³ Section 1009.26(8), F.S.

The U.S. Department of Veterans Affairs (USDVA) provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. The USDVA currently administers the several federal educational assistance programs.⁸⁴

According to the USDVA, for fiscal year 2011,⁸⁵ the state of Florida had the third highest number of USDVA education beneficiaries (using one or more of the federal education assistance programs described above) in the nation with 68,133 beneficiaries, behind Texas (76,878) and California (88,420).⁸⁶ The number of USDVA education program beneficiaries in Florida has steadily increased since fiscal year 2000.⁸⁷ Total USDVA education program payments to Florida beneficiaries for fiscal year 2012 was \$702,492,751.⁸⁸

During fiscal year 2011, there were 42,607 Post-9/11 GI Bill beneficiaries in Florida.⁸⁹ The Post-9/11 GI Bill only covers the highest in-state undergraduate tuition;⁹⁰ therefore, a non-resident veteran would be responsible for the total costs that exceed the in-state tuition amount, unless the veteran attends an institution that voluntarily participates in the Yellow Ribbon Program.⁹¹

Effect of Proposed Changes:

Section 36 amends s. 1009.26, F.S., to create the “Congressman C.W. Bill Young Veteran Tuition Waiver Act” and to provide a mandatory, out-of-state fee waiver for honorably discharged veterans of the U.S. Armed Forces, the U.S. Reserve Forces, or the National Guard, who reside in the state while enrolled at a state university, Florida College System (FCS) institution, career center operated by a school district under s. 1001.44, or charter technical career center. Consistent with a similar fee waiver provision for recipients of a Purple Heart or another combat decoration superior in precedence, the fee waiver authorized by the bill covers 110 percent of the credit hours needed to complete the degree or certificate program in which the veteran is enrolled. State universities must report to the Board of Governors and FCS institutions, career centers operated by school districts, and charter technical career centers must report to the State Board of Education, information on the number and value of all fee waivers granted annually under the Congressman C.W. Bill Young Veteran Tuition Waiver Act. In effect, the bill

⁸⁴ Montgomery GI Bill, Educational Assistance Survivors’ and Dependents’ Program, Veterans Educational Assistance Program, Reserve Educational Assistance Program, Post 9/11 GI Bill Program, Yellow Ribbon GI Education Enhancement Program.

⁸⁵ Fiscal year 2011 is the most recent year for which data are currently available regarding the number of USDVA education beneficiaries. USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select “Benefit Programs” tab; then follow the hyperlink titled “Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011”) (last visited Dec. 8, 2013).

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ Email from the National Center for Veterans Analysis and Statistics (Sept. 23, 2013) (on file with Senate Committee on Education).

⁸⁹ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select “Benefit Programs” tab; then follow the hyperlink titled “Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011”) (last visited Dec. 8, 2013).

⁹⁰ USDVA, *Yellow Ribbon Program* http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last visited Dec. 8, 2013).

⁹¹ The Yellow Ribbon Program was created within the Post-9/11 GI Bill program as a means to partially or fully fund tuition and fee expenses that exceed the established thresholds under the Post-9/11 GI Bill. Both public and private colleges and universities are able to voluntarily participate in the Yellow Ribbon Program through an agreement with the USDVA. The USDVA will match an institution’s contributions, not to exceed 50 percent of the difference. Currently, two FCS institutions and four State University System institutions are listed as Yellow Ribbon Program participants.

guarantees that qualifying veterans will be charged in-state tuition and fee rates at Florida's state universities, FCS institutions, career centers operated by school districts, and charter technical career centers.

State Readiness Centers (National Guard Armories) (Section 37)

Present Situation:

The Florida Armory Revitalization Program (FARP) provides a bridge of state funding to keep armories safe and serviceable, while waiting for adequate levels of Military Construction funding from the federal government to either replace or fully renovate a facility.⁹² Some of Florida's armories have not been modernized since the mid-1960s and 1970s.⁹³ Many current armories are located in flood zones or storm surge areas, which affect the ability to respond locally to disasters.⁹⁴ According to the Florida Department of Military Affairs (DMA), continuing to fund FARP is critical to the FNG's ability to sustain Florida's armories.⁹⁵

Currently, 37 out of 51 of Florida's armories have been renovated through FARP.⁹⁶ According to the DMA's Legislative Budget Request for the 2014 Legislative Session, maintaining and repairing the remaining armories is the DMA's number one legislative priority.⁹⁷

Effect of the Proposed Changes:

Section 37 appropriates \$12.5 million in nonrecurring funds from the General Revenue Fund to the DMA for the continuing renovations to the state readiness centers (armories) to meet state and federal building codes.

Base Protection from Encroachment (Section 38)

Present Situation:

Encroachment is a term used by the U.S. Department of Defense to refer to incompatible uses of land, air, water, and other resources in close proximity to a military installation.⁹⁸ The Legislature has found that encroachment of military installations has been identified by local, state, and federal leaders as a critical threat to protecting, preserving, and enhancing military installations in the state, and can be detrimental to the current and future missions of military installations due to the incompatible use of adjacent land.⁹⁹ As such, the Legislature has recognized the unique need to secure lands that have no conservation value, but may present an encroachment threat to a military installation.¹⁰⁰

⁹² DMA, Adjutant General's Annual Report, Fiscal Year 2012.

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ DMA, Fiscal Year 2014-2015 Budget Request.

⁹⁷ Id.

⁹⁸ The National Conference of State Legislatures, *Minimizing Encroachment and Incompatible Land Use Near Military Installations*, January 2013, available at: <http://www.ncsl.org/research/military-and-veterans-affairs/minimize-encroachment-on-military-installations.aspx> (last viewed February 27, 2014).

⁹⁹ s. 288.980(1)(c), F.S.

¹⁰⁰ Id.

During the 2013 Legislative Session, the Legislature passed SB 1784 to modify the Military Base Protection Program (MBPP), within the Department of Economic Opportunity (DEO), to specifically address problems related to encroachment of military installations.¹⁰¹ Specifically, the MBPP was given the authority to use funds appropriated to it by the Florida Legislature to address encroachment reduction or prevention through the acquisition of nonconservation lands.¹⁰²

The DEO may annually submit a list to the Board of Trustees of the Internal Improvement Trust Fund¹⁰³ (the Board) of nonconservation lands which they recommend should be acquired, subject to a specific appropriation, through fee simple purchase (absolute ownership) or through perpetual, less-than-fee interest purchase (e.g., easements or development rights), for the purpose of buffering a military installation against encroachment.¹⁰⁴ The Board must consider the recommendations of the Florida Defense Support Task Force¹⁰⁵ when selecting nonconservation lands to purchase for the purpose of securing and protecting a military installation against encroachment.¹⁰⁶

For the current year, the DEO has identified the following three properties as its Tier 1, or highest priority, nonconservation lands and has recommended that the Legislature appropriate funds to secure their acquisition:

Installation	Size
Naval Support Activity Panama City	8.4 acres
Naval Station Mayport	11 acres
MacDill Air Force Base	25.5 acres

The Florida Defense Support Task Force supports the acquisition of the above identified nonconservation properties to protect Florida’s military installations.¹⁰⁷

Effect of Proposed Changes

For Fiscal Year 2014-2015, \$7,489,975 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Environmental Protection to allow the Board to acquire, pursuant to s. 288.980, F.S., nonconservation land adjacent to the Naval Support Activity Panama City, Naval Station Mayport, and MacDill Air Force Base for the purpose of securing and protecting such installations against encroachment.

¹⁰¹ ch. 2013-222, L.O.F.

¹⁰² Id.

¹⁰³ The Board is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may inure to the state or any of its agencies, departments, boards, or commissions, with certain exceptions. See s. 253.03(1), F.S.

¹⁰⁴ s. 288.980(2)(b), F.S.

¹⁰⁵ s. 288.987, F.S.

¹⁰⁶ s. 288.980(2)(b), F.S.

¹⁰⁷ Florida Defense Support Task Force, 2014 Annual Report.

Effective Date (Section 39)

Section 39 provides an effective date of July 1, 2014 for all portions of the bill except Section 5 relating to the Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden. The Walk of Honor and Memorial Garden provisions will be effective upon becoming law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Title VII of the Civil Rights Act of 1964 prohibits veterans' preferences in employment as unlawfully discriminatory due to the potential disparate impact on women. However, Section 712 of the Act provides an exception for veterans' preference processes that are authorized by federal, state, or local law.

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

Under sections 15, 16, and 17 of CS/SB 860, the initial licensing fees for military veterans and their spouses applying for DBPR or DOH licensure within 60 months after being honorably discharged from the U. S. Armed Forces, will be waived.

B. Private Sector Impact:

Veterans in Florida or seeking to relocate to Florida will benefit from the services of the (VETS) Veterans Employment and Training Program administered by Florida Is For Veterans, Inc., (FIFV). Veterans will receive assistance in meeting employment goals, finding employment, or becoming entrepreneurs.

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

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

A spouse of a military service member who is a nonresident of Florida will not be required to obtain a Florida driver license for the purpose of enrolling his or her child in a Florida public school. As a result, the spouse will not be subject to the fees associated with obtaining and maintaining a Florida driver license. Additionally, dependent children who qualify for the driver license exemption in the bill will also not be subject to driver license fees.

Current law allows an automatic extension on a resident service member's driver license expiration date when stationed outside of the state. The bill includes the same extension to the service member's spouse and dependents that reside with him or her. Therefore, these service members and their spouse and dependents will not be subject to driver license renewal fees until they return to reside in the state.

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

Non-resident veterans who qualify for the out-of-state fee waiver under the bill will only pay in-state tuition and fee rates. This will provide a considerable savings to student veterans each semester.

For the 2013-2014 academic year, the average State University System undergraduate cost for tuition and fees for two semesters is \$6,155 for residents and \$21,434 for non-residents.¹⁰⁸ Therefore, this out-of-state fee waiver could potentially save an eligible, full-time veteran undergraduate student¹⁰⁹ at a state university approximately \$15,279 per academic year. At the graduate level, the average cost for two semesters is \$10,262 for residents and \$25,138 for non-residents.¹¹⁰ Therefore, this out-of-state fee waiver could save an eligible, full-time veteran graduate student¹¹¹ at a state university approximately \$14,876 per academic year.

For the same period, the Florida College System reports the average cost for two semesters is approximately \$3,124 for residents enrolled in lower-level credit programs and \$11,531 for non-residents. Therefore, this out-of-state fee waiver could potentially

¹⁰⁸ Board of Governors of the State University System of Florida, *Public Colleges and Universities of Florida, Tuition and Required Fees, 2013-14 for New Students in Main Campus*, <http://www.flbog.edu/about/budget/current.php> (select the Excel link for "2013-2014 Fees") (last visited Dec. 8, 2013) (noting that the calculation is for students who are full-time taking 30 credit hours).

¹⁰⁹ Full-time status for undergraduate students is 30 hours.

¹¹⁰ *Id.* (providing that the calculation is for full-time graduate students taking 24 credit hours).

¹¹¹ Full-time status for graduate students is 24 hours.

save an eligible, full-time¹¹² veteran enrolled in a lower-level credit program \$8,407 per academic year. For residents enrolled in the upper-level credit programs the cost for two semesters is \$3,585 and \$15,400 for non-residents.¹¹³ Therefore, this out-of-state fee waiver could potentially save an eligible, full-time veteran enrolled in an upper-level credit program \$11,815 per academic year.

For the 2013-2014 academic year, the average district technical center cost for tuition and fees for a full-time equivalent student¹¹⁴ is \$2,443 for residents, and \$9,710 for non-residents. Therefore, the potential cost savings of this out-of-state fee waiver for eligible students could be \$7,267 per year.¹¹⁵

C. Government Sector Impact:

The bill expands the FNG's EDD program to allow for funds to be used for additional activities. The bill requires state universities, colleges, and technical centers that receive EDD funds to provide specific student information to the DMA. The bill also requires the DMA to revise rules regarding the program. Costs for these activities can be absorbed within existing resources.

The bill expands Florida's veterans' preference in employment statutes. The number of complaints filed with the Florida Department of Veterans' Affairs (FDVA) has been increasing in the last several years, going from 143 complaints in Fiscal Year 2009-2010 to 1,125 complaints in Fiscal Year 2012-2013. Nine cases went to the Public Employees Relations Commission (PERC) in Fiscal Year 2012-2013. Three cases have continued on to the courts.¹¹⁶ Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints. However, s. 295.11, F.S., requires the FDVA to conduct all investigations within existing amounts appropriated to the FDVA. The agency expects that the one full-time employee currently administering this program will process any increased complaints. In addition, the PERC may experience an increase in the number of complaints it must investigate and adjudicate.

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

Local One-Stop Career Centers may see an indeterminate increase in workload as veterans are referred to receive services.

¹¹² Full-time status for students in lower-level and upper-level credit programs at Florida College System institutions is 30 hours.

¹¹³ Data provided by the Division of Florida Colleges (on file with Senate Appropriations Subcommittee on Education).

¹¹⁴ Full-time equivalent is defined as 900 instructional hours in a certificate program.

¹¹⁵ Data provided by the Division of Career and Adult Education (on file with the Senate Appropriations Subcommittee on Education).

¹¹⁶ Correspondence from the Florida Department of Veterans Affairs to Senate Committee on Military and Veterans Affairs, Space and Domestic Security staff on December 9, 2013.

Section 24 of the bill is expected to result in an indeterminate but insignificant negative fiscal impact to the General Revenue Fund.¹¹⁷

The number of spouses of military veterans and the increase in the number of military veterans who will apply for licensure or certification within 60 months after being honorably discharged from the U.S. Armed Forces is indeterminate. However, similar bills, which provided waivers to veterans within a 24-month period after discharge, were enacted in 2012 for DBPR licenses and in 2013 for DOH licenses. Since implementation in July 2012, DBPR has waived fees for 72 licenses representing a total of \$10,019.¹¹⁸ As of December 9, 2013, the DOH had approved 67 licenses, waiving a total of \$11,013 in fees, and had 72 open applications.¹¹⁹

The provisions of the bill that waive out-of-state tuition for veterans could potentially result in unrealized tuition of up to \$181,675 associated with career and technical education,¹²⁰ up to \$1.13 million to the Florida College System,¹²¹ and up to \$5.1 million for undergraduate students and up to \$3.1 million for graduate students, enrolled in the State University System, based on enrollment of veterans during the 2012-2013 academic year.¹²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 250.10, 250.35, 288.0001, 295.065, 295.07, 295.08, 295.085, 296.06, 296.36, 322.031, 322.121, 455.213, 456.013, 456.024, 458.315, 459.0076, 468.304, 499.012, 1002.33, and 1009.26.

This bill creates the following sections of the Florida Statutes: 265.0031, 295.188, 295.21, 295.22, 295.23, 458.3151, and 459.00761.

¹¹⁷ DHSMV, SB 140 Legislative Bill Analysis (Feb. 4, 2014) (on file with the Senate Committee on Education).

¹¹⁸ Material provided by the Department of Business and Professional Regulation to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 5, 2013.

¹¹⁹ Material provided by the Department of Health to the Senate Committee on Military and Veterans Affairs, Space and Domestic Security, December 9, 2013.

¹²⁰ Email from the Division of Career and Adult Education (Jan. 15, 2014) (on file with the Senate Appropriations Subcommittee on Education).

¹²¹ Email from the Division of Florida Colleges (Jan 16, 2014) (on file with the Senate Appropriations Subcommittee on Education).

¹²² Board of Governors of the State University System of Florida, Senate Bill 84 Agency Legislative Bill Analysis (Sept. 19, 2013) (on file with the Senate Appropriations Subcommittee on Education).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations on March 6, 2014:

The CS modified several items relating to the Florida Is For Veterans, Inc. (FIFV), and its associated programs by adding accountability to the new programs created through the Legislative Budget Commission approval of plans and performance measures. It also shifts responsibility for the marketing campaign from the FIFV to the Florida Tourism Industry Marketing Corporation (Visit Florida).

The CS:

- Waives out-of-state fees for tuition for veterans.
- Authorizes private employers to maintain a hiring policy that gives preference to veterans.
- Authorizes reciprocal licensure for healthcare practitioners who have served in the Armed Forces or with the Public Health Service;
- Makes legislative findings that military families face unique challenges due to the highly mobile nature of military service, and that a framework be established to address the needs of military children. In establishing this framework, military installation commanders are encouraged to collaboratively work with the Commissioner of Education to increase military family student achievement, which may include the establishment of charter school on military installations.
- Modifies driver license provisions specific to service members to apply to their spouse and dependent children.
- Establishes an expedited application procedure for active duty military personnel and veterans who served at least 10 years as a commissioned medical officer to obtain a temporary certificate to practice in areas of critical need or other specified locations that provide medical care to underserved populations.
- Appropriates general revenue to fund new full-time equivalent positions and expenditures related to implementing programs and provisions in the bill.

- B. **Amendments:**

None.