



Veteran & Military Affairs Subcommittee

Meeting Packet

Monday, January 25, 2016

4:00 pm – 6:00 pm

12 HOB



The Florida House of Representatives

Veteran & Military Affairs Subcommittee

Steve Crisafulli
Speaker

Jimmie T. Smith
Chair

Tuesday, January 25, 2016
Meeting Agenda
Room 12, House Office Building
04:00 p.m. – 06:00 p.m.

- I. Call to Order**

- II. Roll Call**

- III. Welcome and Opening Remarks**

- IV. Consideration of the Following Bill(s):**
 - HB 1219 Veterans' Employment by Raburn**

 - HB 1321 Discounts on Public Park Entrance Fees and Transportation Fares by Rader**

- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1219 Veterans' Employment
SPONSOR(S): Raburn
TIED BILLS: IDEN./SIM. BILLS: SB 1538

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Thompson	Thompson
2) Government Operations Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Current law requires the state and its political subdivisions to grant a preference in hiring to all veterans, Guard members, U.S. Reserve Forces, Gold Star Mothers, Fathers, and legal guardians, and authorizes private sector employers to establish a veterans' preference process for honorably discharged veterans and certain spouses. Current law also affords equal employment opportunities through programs of affirmative and positive action for women and minorities. However, Florida law does not provide a policy concerning the recruitment of veteran employees by executive agencies.

The bill creates a state equal employment opportunity requirement for executive agencies when hiring veterans. In part, the bill requires each executive agency to:

- Develop and implement a veterans' recruitment plan in accordance with rules adopted by DMS and approved by the Administration Commission;
- Appoint a veterans' employment officer;
- Establish annual goals for ensuring full use of veterans in the agency's workforce; and
- Design its veterans' recruitment plan to meet its established goals.

The bill requires the Department of Management Services (DMS) to:

- Include in its annual workforce report information regarding the implementation, continuance, updating, and results, of each executive agency's veterans' recruitment plan for the previous fiscal year;
- Provide training in the principles of veterans' recruitment and hiring, the development and implementation of a veterans' recruitment plan, and the establishment of veterans' employment goals to all supervisory personnel of the executive agencies; and
- Review and monitor executive agency actions in carrying out its rules adopted pursuant to this section.

The rulemaking provision in the bill appears to conflict with current rulemaking ratification requirements. The bill may require DMS to amend its current rules to incorporate the new requirements.

The fiscal impact of the bill is indeterminate. The effects of the bill will likely have a positive fiscal impact to veterans. The fiscal impact to the state is unknown; however, recruiting veterans, especially those with prior military leadership training, to the state executive agency workforce, will likely have a positive impact on the state.

The effective date of the bill is October 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Military and Veteran Presence in Florida

Current law defines a “veteran” as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later received an upgraded discharge under honorable conditions.¹ Currently, there are 21.8 million veterans in the United States, of which, over 1.6 million reside in Florida.² This makes Florida the state with the third largest veteran population, behind only California and Texas.³ Approximately 299,000 of Florida’s veterans are service-disabled.⁴

Florida’s overall unemployment rate for calendar year 2014 was 6.3 percent.⁵ The unemployment rate among Florida veterans was 5 percent compared to 5.3 percent nationally.⁶ The unemployment rate among Florida Post-9/11 era veterans averaged 4.8 percent compared to 7.2 percent nationally.⁷

Veterans’ Preference in Employment

The Florida statutes have included some form of veterans’ employment preference since 1947.⁸ The purpose of the veterans’ preference statute is to reward those who served their country in a time of need and to recognize the qualities and traits developed by military service.⁹ In 2014, the Legislature expanded Florida’s veterans’ preference in public employment process to increase the field of persons eligible for veterans’ preference to include all veterans, Guard members, U.S. Reserve Forces, and Gold Star Mothers, Fathers, and legal guardians, and authorized private sector employers to establish a veterans’ preference process for honorably discharged veterans and certain spouses.¹⁰

Currently, Florida law does not provide a policy for executive agencies concerning the recruitment of veteran employees. However, the law specifically requires all state government entities, counties, cities, towns, villages, special tax school districts, and special districts (government employers) to grant employment preference in hiring and retention to certain veterans, and family members of certain military servicemembers and veterans.¹¹ All advertisements and written job announcements must

¹ s. 1.01(14), F.S.

² U.S. Census Bureau, *A Snapshot of Our Nation’s Veterans*, available at: <http://www.census.gov/library/infographics/veterans.html> (last viewed January 20, 2016).

³ Florida Department of Veterans’ Affairs, *Fast Facts*, available at: http://floridavets.org/?page_id=50 (last viewed January 20, 2016).

⁴ U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2014, page 22 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited January 18, 2016).

⁵ See Florida Department of Economic Opportunity, *Local Area Unemployment Statistics*, available at: <http://www.floridajobs.org/labor-market-information/data-center/statistical-programs/local-area-unemployment-statistics> (last visited January 20, 2016).

⁶ United States Congress Joint Economic Committee, *Economic Snapshot: Florida* (Oct. 2015), available at: http://www.jec.senate.gov/public/_cache/files/2cb3bde9-27db-4584-86fc-f2ce46e4bb2e/florida.pdf (last visited January 20, 2016).

⁷ Id.

⁸ s. 1, ch. 24201, L.O.F. (1947).

⁹ *Yates v. Rezeau*, 62 So.2d 726, 727 (Fla. 1952); Ch. 98-33, at 244, L.O.F.

¹⁰ CS/CS/HB 7015 was approved by the Governor on March 31, 2014, ch. 2014-1, L.O.F., became effective on July 1, 2014, except as otherwise provided.

¹¹ Section 295.07(1), F.S., requires the state and political subdivisions of the state to comply with veterans’ preference requirements. Section 1.01, F.S., defines “political subdivision” as “counties, cities, towns, villages, special tax school districts, special road and bridge districts, and all other districts in the state. Rule 55A-7.004, F.A.C., contains a definition applicable specifically to veterans’

include notice that veterans and eligible family members receive preference in employment and are encouraged to apply for the position.¹²

Florida's veterans' preference in employment statutes do not require a government employer to hire a veteran over a more qualified non-veteran.¹³ In addition, a potential government employer is not required to pass a person who is eligible for veterans' preference through the screening process if he or she does not meet the minimum qualifications for the position.¹⁴

Government employers are not required to track the number of persons who claim veterans' preference; therefore, statistics indicating the number of eligible persons who requested veterans' preference, or the number of persons who were hired as a result of the preference requirements, are not always available. According to the Department of Management Services (DMS), for fiscal year 2014-2015, 761 applicants claiming veterans' preference were marked as hired by the employing agency in People First.¹⁵

In addition, beginning in 2014, private employers in Florida were authorized to provide veterans' preference requirements.¹⁶

1. Persons Eligible for Employment Preference and Exceptions

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:¹⁷

- a) Disabled Veterans who have served on active duty in any branch of the Armed Forces and who presently have an existing service-connected disability which is compensable under public laws administered by the DVA or are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense.
- b) The spouse of a Veteran:
 - a. who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or
 - b. Who is missing in action, captured in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power.
- c) A Veteran of any war, who has served at least one day during that war time period as defined in subsection s. 1.01 (14), F.S., or who has been awarded a campaign or expeditionary medal. (Active duty for training shall not be allowed for eligibility under this provision.)
- d) The unremarried widow or widower of a Veteran who died of a serviceconnected disability.
- e) The mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions as verified by the U.S. Department of Defense.
- f) A Veteran as defined in section s. 1.01(14), F.S., F.S. "Active Duty for Training" may not be allowed under this paragraph. The term "veteran" is defined 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.
- g) A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

preference statutes, and includes all the entities listed above, but also includes all Career Service System positions under the FCS and the School for the Deaf and the Blind among those required to give employment preference to veterans and spouses of veterans.

¹² s. 295.065, F.S.

¹³ *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

¹⁴ *Id.*

¹⁵ According to DMS staff, this number only reflects data from State Personnel System agencies and does not include data for any other government employer

¹⁶ s. 295.188, F.S.

¹⁷ s. 295.07(1)(a)-(g), F.S.

Florida law exempts the following government positions from the veterans' preference requirements:¹⁸

- Positions that are exempt from the state Career Service System, including certain legislative branch personnel, judicial branch personnel, and personnel of the Office of the Governor; however, all positions under the University Support Personnel System of the SUS as well as all Career Service System positions under the FCS and the School for the Deaf and the Blind are included;
- Positions in political subdivisions of the state which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each officer;
- Members of boards and commissions;
- Persons employed on a temporary basis without benefits;
- Heads of departments;
- Positions that require licensure as a physician, licensure as an osteopathic physician, or licensure as a chiropractic physician; and
- Positions that require membership in The Florida Bar.

2. *If an Examination Determines Qualification for Employment*

If an examination is used to determine qualification for employment, points are added to the final examination score as follows:¹⁹

Category	Proposed
Disabled Veteran	15
Spouse of Person With Total Disability, Missing in Action, Captured in Line of Duty, Etc.	15
Wartime Veteran	10
Un-remarried widow/widower of Person Who Died of a Service-Connected Disability	10
Gold Star Family	10
Veteran	5
National Guard/Reserve	5

In order for points to be awarded, the applicant must first obtain a qualifying score on the examination.²⁰

Florida law requires each government employer to enter the names of persons eligible for preference on an appropriate register or list in accordance with their respective ratings.²¹ For most positions, the names of all persons qualified to receive a fifteen-point preference whose service-connected disabilities have been rated to be 30 percent or more must be placed at the top of the appropriate register or employment list, in accordance with their respective ratings.²² A Florida court determined that this provision gives an absolute preference for veterans to be placed at the top of the employment list only if the candidate has a 30 percent or more disability rating.²³

¹⁸ s. 295.07(4)(a)-(b), F.S.

¹⁹ s. 295.08, F.S.; Rule 55A-7.010, F.A.C., provides further procedures for calculating points if the highest possible exam score is other than 100.

²⁰ Rule 55A-7.010(1), F.A.C.

²¹ s. 295.08, F.S.

²² Id.

²³ *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

However, the court further declared that there are no statutory provisions suggesting that veterans receiving a five or ten point exam score augmentation must be hired over more qualified non-veterans.²⁴

3. *If an Examination Does Not Determine Qualification for Employment*

If an examination is not used to determine qualifications for a position, preference is given as follows:²⁵

- First preference is given to disabled veterans who have served on active duty in any branch of the Armed Forces and who presently have an existing service-connected disability which is compensable under public laws administered by the DVA or are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the DVA and the Department of Defense; and the spouse of a veteran who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment, or who is missing in action, captured in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power (i.e., those listed above in points a. and b. under "Persons Eligible for Employment Preference and Exceptions"); and
- Second preference is given to a veteran of any war; 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 service member who died as a result of military service under combat-related conditions; a veteran as defined in section s. 1.01(14), F.S., F.S.; a current member of any reserve component of the U.S. Armed Forces or the Florida National Guard. (i.e., those listed above in points c. through g. under "Persons Eligible for Employment Preference and Exceptions").

In 1988, the Florida Attorney General opined that:

While mandating veterans' preference during the employment selection process, Ch. 295, F.S., by providing a means for reviewing the employment of a non-veteran over a preferred veteran, contemplates that non-veterans may be hired. Based upon this statutory scheme, I am unable to conclude that veterans' preference mandates that eligible veterans be hired over non-veterans. I have found no evidence of legislative intent to require the employment of veterans in all instances.²⁶

The DVA is responsible for promulgating rules or procedures to ensure that eligible persons are given special consideration in the selection and retention processes of government employers.²⁷ These procedures must ensure that, for positions that do not require an examination, eligible persons are given special consideration at each step of the employment selection process and are given special consideration in the retention of employees where layoffs are necessitated.²⁸

In 1988, the Florida Attorney General opined that veterans' preference provides special consideration for eligible veterans at each step of the employment selection process, but does not require the employment of a preferred veteran over a non-veteran who is the 'most qualified' applicant for the position. However, the employing agency is required to document and justify the decision to hire a non-veteran over the preferred veteran.²⁹

4. *Complaint and Appeal Process*

²⁴ Id.

²⁵ s. 295.085, F.S.

²⁶ See Attorney General's Opinion 88-24.

²⁷ s. 295.07(2), F.S.

²⁸ Id.

²⁹ See Attorney General's Opinion 88-24.

When a government employer selects a non-veteran over a person who is eligible for veterans' preference, the eligible person may file a written complaint with the DVA. DVA must investigate the complaint and may file an opinion with the Public Employees Relations Commission (PERC) as to the merit or lack of merit in each case. DVA must conduct all investigations within existing amounts appropriated by the Florida Legislature.³⁰

Jurisdiction to effectuate the purposes of the veterans' preference requirements rests with the PERC for appropriate administrative determination. If, upon preliminary review, the PERC agrees with the DVA's determination that a case lacks merit and finds a complete absence of justiciable issues of either law or fact raised by the veterans' preference complaint, the PERC must dismiss the complaint "without the necessity of holding a hearing."³¹

When a government employer selects a non-veteran over a person who is eligible for veterans' preference, the initial burden is on the veteran to show minimal qualifications; a timely and proper application for a covered position; and that the employer selected a non-veteran over a veteran with a lesser preference. The burden then shifts to the employer to show that the non-veteran applicant was more qualified.³²

If the PERC determines that a violation of the veterans' preference requirements has occurred, it must order the offending agency, employee, or officer to comply with the provisions and may issue an order to compensate the veteran for the loss of any wages and reasonable attorney's fees for actual hours worked, and costs of all work, including litigation, incurred as a result of the violation.³³ However, attorney's fees and costs may not exceed \$10,000.³⁴

If reparation is sought through civil action in court, any agency, employee, or officer of a government employer found in violation of the veterans' preference requirements must also pay the costs of the suit and reasonable attorney's fees incurred in the action and pay damages as the court may award, any law to the contrary notwithstanding.³⁵

5. State Government Veterans' Preference Provision

With respect to non-exempt positions in the state's career service system, Florida law requires the state to grant a preference in hiring and retention to an eligible person if the eligible person meets the minimum eligibility requirements for the position and has the knowledge, skills, and abilities required for the position.³⁶ A disabled veteran employed as the result of being placed at the top of the appropriate employment list must be appointed for a probationary period of one year.³⁷ At the end of one year, if the disabled veteran's performance is satisfactory, the veteran will acquire permanent employment status and will be subject to the employment rules of the Florida Department of Management Services (DMS) and the veteran's employing agency.³⁸

6. Federal Gold Star Mother Act

Pursuant to the United States Code, federal employers are required to grant employment preference to the mother of either (a) a service-connected permanently and totally disabled veteran; or (b) an

³⁰ s. 295.11, F.S.

³¹ s. 295.11, F.S.

³² West Coast Regional Water Supply Authority v. Harris, 604 So.2d 892, 893 (Fla. 1st DCA 1992); *See also Cox v. Pasco County*, 16 FPER Para. 21517 (1990); Rosete v. Department of Professional Regulation, 15 FPER Para. 20518 (1989); Varela v. Department of Health and Rehabilitative Services, 15 FPER Para. 20517 (1989).

³³ s. 295.14(1), F.S.

³⁴ *Id.*

³⁵ s. 295.14(2), F.S.

³⁶ s. 110.2135(1), F.S.

³⁷ s. 110.2135(2), F.S.

³⁸ *Id.*

individual who lost his life under honorable conditions while serving in the U.S. Armed Forces during specified periods of active duty, provided that.³⁹

- Her husband is totally and permanently disabled;
- She is widowed, divorced, or separated from the father and has not remarried; or
- She has remarried but is widowed, divorced, or legally separated from her husband when preference is claimed.

The U.S. Department of Veterans Affairs (USDVA) is the federal agency tasked with making the official determination of the existence of a service-connected disability. The term “disabled veteran” is defined as an individual who has served on active duty in the armed forces, has been separated under honorable conditions, and has established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or a pension because of a public statute administered by the USDVA or a military department.⁴⁰

The term “service-connected” is further defined in the U.S. Code to mean that the disability or death suffered by the veteran was incurred or aggravated in the line of duty in active military, naval, or air service.⁴¹ There are instances in which a veteran’s service-connected disability is not determined by the USDVA. In this instance, the Department of Defense (DoD) would determine the existence of a disability and provide compensation to the veteran. The secretaries of the military departments have the authority to make the final determination of disability in each case.⁴² When that determination is made the servicemember may decide whether to receive military retirement benefits from the DoD or disability compensation from the USDVA.

7. Death Benefits for Family of Military Servicemembers

The United States Department of Defense (DOD) provides compensation to members of the United States Armed Forces through the death gratuity program.⁴³ The death gratuity program provides for a special tax free payment of \$100,000 to eligible survivors of members of the United States Armed Forces, who die while on active duty or while serving in certain reserve statuses. The death gratuity is the same regardless of the cause of death.⁴⁴ The longstanding purpose of the death gratuity has been to provide immediate cash payment to assist survivors of deceased members of the United States Armed Forces to meet their financial needs during the period immediately following a servicemember's death and before other survivor benefits, if any, become available.⁴⁵ The death gratuity is also payable if an eligible servicemember or former servicemember dies within 120 days of release or discharge from active duty, or active duty for training when the Secretary of the USDVA determines that the death resulted from injury or disease incurred or aggravated during such duty.⁴⁶

Federal Equal Employment Policy

There are several federal laws that provide protections for veterans with disabilities who are looking for jobs or are already in the workplace. Title I of the Americans with Disabilities Act (ADA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA), protect veterans from employment discrimination. Title I of the ADA, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), prohibits private and state and local government employers with 15

³⁹ 5 U.S.C. § 2108(3)(F), (G)

⁴⁰ 5 USC 2108(2). See also s. 295.07(1)(a)1., F.S.

⁴¹ 38 USC 101(16).

⁴² 10 USC 1201.

⁴³ DOD Military Compensation, Death Gratuity, available at: <http://militarypay.defense.gov/Benefits/DeathGratuity.aspx> (last viewed January 18, 2016).

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ Id.

or more employees from discriminating against individuals on the basis of disability.⁴⁷ USERRA has requirements for reemploying veterans with and without service-connected disabilities and is enforced by the U. S. Department of Labor (DOL) and the U.S. Department of Justice (DOJ).⁴⁸

Under the federal Veterans' Preference Act,⁴⁹ veterans with and without disabilities are entitled to preference over others in hiring from competitive lists of eligibles and may be considered for special noncompetitive appointments for which they are eligible.⁵⁰ Federal agencies also may use specific rules and regulations, called "special hiring authorities," to hire individuals with disabilities outside the normal competitive hiring process, and sometimes are even required to give preferential treatment to veterans, including disabled veterans, in making hiring decisions.⁵¹

The following are some of the special hiring authorities that federal agencies may be able to use to hire veterans with disabilities:

- The Veterans' Recruitment Appointment (VRA) program⁵² allows agencies to appoint eligible veterans without competition;
- The Veterans Employment Opportunity Act (VEOA)⁵³ can be used when filling permanent, competitive service positions; it allows veterans to apply for jobs that are only open to "status" candidates, which means "current competitive service employees"; and,
- The Schedule A Appointment Authority, though not specifically for veterans, allows agencies to appoint eligible applicants who have a severe, physical, psychological, or intellectual disability.⁵⁴

Federal Vietnam Era Veterans' Readjustment Assistance Act of 1974

The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA)⁵⁵ prohibit job discrimination and require federal contractors and subcontractors to take affirmative action to employ and advance in employment certain "covered veterans." These veterans include qualified:

- Disabled veterans;
- Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized;
- Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985 (61 Fed. Reg. 1209);⁵⁶ and
- Recently separated veterans.

This law is enforced by the Veterans' Employment and Training Service (VETS) and applies only to the specific state or local government entities that participate in work on or under a federal contract or subcontract.

⁴⁷ The EEOC also is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee (including a veteran) because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), or genetic information.

⁴⁸ See the U.S. EEOC website, available at: <http://www.eeoc.gov/eeoc/index.cfm> (last visited January 21, 2016).

⁴⁹ 5 USC Sec. 2108.

⁵⁰ USEEOC, Veterans and the Americans with Disabilities Act (ADA): A Guide for Employers, available at: http://www.eeoc.gov/eeoc/publications/ada_veterans_employers.cfm#_edn7 (last visited January 21, 2016).

⁵¹ Id.

⁵² 5 CFR 307

⁵³ P.L. 105-339.

⁵⁴ Additional information regarding the Schedule A Hiring Authority can be found at the US Office of Personnel Management, available at: <https://www.opm.gov/policy-data-oversight/disability-employment/hiring/> (last visited January 21, 2016).

⁵⁵ 38 USC Sec. 4212.

⁵⁶ Executive Order 12985 of January 11, 1996 establishes the Armed Forces Service Medal.

Florida's Equal Employment Policy

1. Florida Civil Rights Act

Chapter 760, F.S., prohibits discrimination in employment on the basis of race, color, religion, sex, national origin, age, handicap or marital status. Part 1 of chapter 760, F.S., the Florida Civil Rights Act of 1992, makes it unlawful for any employer to discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, or to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, disability, or marital status.

The Florida Commission on Human Relations⁵⁷ is the state equivalent of the EEOC and is the state agency charged with enforcing the state's civil rights laws. The commission is assigned to the Department of Management Services (DMS). However, is not subject to control, supervision, or direction by DMS in the performance of its duties.⁵⁸

2. Florida Affirmative Action

Section 110.112, F.S., declares that the policy of the state is to afford equal employment opportunities through programs of affirmative and positive action allowing for the full utilization of women and minorities. Each executive agency is required to develop and implement an affirmative action plan in accordance with DMS rules and approved by the Administration Commission;⁵⁹ ⁶⁰ establish annual goals in its affirmative action plan for ensuring full utilization of groups underrepresented in the agency's workforce as compared to the relevant labor market;⁶¹ and appoint an affirmative action-equal employment opportunity officer.⁶²

Each agency's affirmative action plan must be preapproved by the Administration Commission, which is a part of the Executive Office of the Governor composed of the Governor and Cabinet. The Governor is chair of the commission. The Governor or Chief Financial Officer may call a meeting of the commission promptly each time the need arises. Unless otherwise provided, affirmative action by the commission requires the approval of the Governor and at least two other members of the commission. The commission is granted rulemaking authority⁶³ to implement provisions of law conferring duties upon it.

In support of this policy, DMS is required to report information in its annual workforce report⁶⁴ relating to each executive agency's affirmative action plan; and review and monitor executive agency actions in carrying out the rules adopted by DMS pursuant to this provision.⁶⁵

DMS is authorized to contract for training services to all supervisory personnel of the executive agencies related to equal employment opportunity and affirmative action.⁶⁶ Each participating agency is required to reimburse DMS for the costs incurred through training contracts. After DMS approves the

⁵⁷ The Commission on Human Relations Website is available at: http://fchr.state.fl.us/about_us (last visited January 21, 2016).

⁵⁸ s. 760.04, F.S.

⁵⁹ s. 110.112(2)(a), F.S.

⁶⁰ s. 14.202, F.S., creates the Administration Commission.

⁶¹ s. 110.112(2)(b), F.S.

⁶² s. 110.112(2)(c), F.S., provides that the duties of the affirmative action-equal employment opportunity officer include "determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action."

⁶³ Pursuant to ss. 120.536(1), F.S. and 120.54, F.S.

⁶⁴ DMS Annual Workforce Report Fiscal Year 2013-2014, Equal Employment Opportunity/Affirmative Action Report page 62, available at: <http://www.dms.myflorida.com/content/download/113500/629140/file/FY%2013-14%20Annual%20Workforce%20Report.pdf> (last visited January 21, 2016).

⁶⁵ s. 110.112(2)(d), (e), and (6), F.S.

⁶⁶ s. 110.112(e), F.S.

contents of an agency training program, it is authorized to delegate this training to the executive agencies.⁶⁷

As an aside, executive agencies are created to implement and exercise the executive power allocated under the Florida Constitution.⁶⁸ Other than those departments or entities directly created in the Constitution,⁶⁹ the Legislature has authority to organize the Executive Branch by law into no more than twenty-five departments.⁷⁰ The administration of these statutorily-created departments must be placed under the direct supervision of the Governor, the Lieutenant Governor, the Governor and Cabinet, a Cabinet member, or an officer or board appointed by and serving at the pleasure of the Governor.⁷¹

In addition, each state attorney and public defender is required to:

- Develop and implement an affirmative action plan;
- Establish annual goals for ensuring full utilization of groups underrepresented in its workforce as compared to the relevant labor market in this state;
 - The state attorneys' and public defenders' affirmative action plans must be designed to meet the established goals;
- Appoint an affirmative action-equal employment opportunity officer; and
- Report annually to the Justice Administrative Commission on the implementation, continuance, updating, and results of his or her affirmative action program for the previous fiscal year.⁷²

Presently, s. 110.112, F.S., does not specifically address executive agency plans regarding equal employment opportunity and affirmative action for veterans.

Proposed Changes

The bill creates a state equal employment opportunity provision for executive agencies to adhere to when hiring veterans, which mirrors the framework of Florida's current affirmative action law for women and minorities (described above).

Specifically, the bill provides that it is the policy of the state to assist in providing the assurance of equal employment opportunity through programs of affirmative and positive action that will allow full use of veterans of the United States Armed Forces.

The bill requires the heads of each executive agency to:

- Develop and implement a veterans' recruitment plan in accordance with rules adopted by the department and approved by a majority vote of the Administration Commission before their adoption; and

⁶⁷ Id.

⁶⁸ Art. IV, s. 6, Fla. Const.; s. 20.02, F.S.

⁶⁹ E.g. the Florida Fish and Wildlife Conservation Commission is a separate entity created by Art. IV, s. 9, Fla. Const.

⁷⁰ Art. IV, s. 6, Fla. Const.

⁷¹ "Executive departments"—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause." Section 6, Art. IV, Fla. Const. This section has not been amended since its adoption. Section 6, Art. IV, Fla. Const. (historical note).

⁷² s. 110.112(3), F.S.

- Appoint a veterans' employment officer, who may be a full-time or part-time employee. The responsibilities of the veterans' employment officer include determining annual goals, monitoring agency compliance, and consulting with managers regarding progress, deficiencies, and appropriate corrective action.

The bill also requires each executive agency to:

- Establish annual goals for ensuring full use of veterans in the agency's workforce as compared to the relevant labor market, as defined by the agency; and
- Design its veterans' recruitment plan to meet its established goals.

The bill requires DMS to:

- Include in its annual workforce report information regarding the implementation, continuance, updating, and results of each executive agency's veterans' recruitment plan for the previous fiscal year;
- Provide training in the principles of veterans' recruitment and hiring, the development and implementation of a veterans' recruitment plan, and the establishment of veterans' employment goals to all supervisory personnel of the executive agencies; and
- Review and monitor executive agency actions in carrying out its rules adopted pursuant to this section.

The bill authorizes DMS to contract for training services; however, each participating agency must reimburse DMS for costs incurred through the contracts. Subsequent to DMS approval of the content of the training program, it may delegate this training to the executive agencies.

The bill does not include veteran recruitment requirements of state attorneys or public defenders.

B. SECTION DIRECTORY:

Section 1: Creates s. 110.1121, F.S., relating to the establishment of a policy of the state concerning veterans' employment in executive agencies.

Section 2: Provides an effective date of October 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Executive Agencies

The bill requires state executive agencies to:

- Develop and implement a veterans' recruitment plan pursuant to DMS rules that must be approved by the Administration Commission;
- Appoint a veterans' employment officer with certain responsibilities;
- Establish annual goals;
- Design the recruitment plan to meet its goals; and
- Reimburse DMS for costs incurred through training contracts.

Depending on the size of each agency's staff and budget, these requirements may create a negative fiscal impact to the state funds within each executive agency that will be utilized to implement these requirements. The fiscal impact to the agencies is unknown at this time.

Reimbursement by the executive agencies to DMS for training costs and delegation by DMS to the executive agencies of the training responsibilities may create a negative fiscal impact to the executive agencies. The fiscal impact to the executive agencies is unknown at this time.

DMS

According to DMS, the fiscal impact to the department is indeterminate.⁷³ Requiring DMS to revise its annual workforce report; provide training to all supervisory personnel of the executive agencies; and review and monitor the executive agencies may create a negative fiscal impact to the state funds within DMS that it utilizes to implement these requirements.

Reimbursement by the executive agencies to DMS for training costs and the delegation by DMS to the executive agencies of the training responsibilities may mitigate the training costs to DMS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill could provide a positive fiscal impact to veterans in the state. Recruiting veterans to the state's executive agency workforce will likely increase the amount of veterans that are hired and receive gainful employment.

D. FISCAL COMMENTS:

Recruiting veterans, especially those with prior military leadership training, to state executive agency workforce, could increase the overall productivity of the workforce.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

⁷³ DMS Agency Bill Analysis for HB 1219 (2015), on file with the House Veteran & Military Affairs Subcommittee.

The bill requires each executive agency head to develop and implement a veterans' recruitment plan that accords with rules adopted by DMS. The bill neither incorporates by reference DMS' existing rulemaking authority under s. 110.1055, F.S., nor creates rulemaking authority in DMS to implement the provisions of the new act. The bill does not specify the recruitment plan components or conditions which DMS is responsible for implementing through this rulemaking. The bill also requires the Administration Commission to approve the proposed rules before their adoption by DMS but provides no procedure or requirements for such an approval process. Since 2010, the Legislature by s. 120.541(3), F.S., has required all rules having certain potential negative fiscal impacts exceeding \$1 million over 5 years be submitted to, and ratified by, the Legislature before the rule may go into effect. The requirement for approval by the Administration Commission may conflict with the legislative ratification requirement.

According to DMS, rule 60L-40, Florida Administrative Code, Sexual Harassment, Equal Employment Opportunity and Affirmative Action, will need to be amended to incorporate the new requirements of the veterans' affirmative action plan.⁷⁴

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not provide a definition of the term "veteran." According to DMS, the executive agencies will require further guidance on the term "veteran" referenced in the bill in order to appropriately track and establish an affirmative action program.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to veterans' employment; creating s. 110.1121, F.S.; establishing the policy of the state concerning veterans' employment in executive agencies; requiring the head of each executive agency to develop and implement a veterans' recruitment plan in accordance with specified procedures; requiring each executive agency to establish annual goals with respect to veterans' recruitment; requiring the head of each executive agency to appoint a veterans' employment officer; specifying the responsibilities of such officers; requiring the Department of Management Services to include specified information regarding veterans' recruitment plans in its annual workforce report; requiring the department to provide certain training to executive agency supervisory personnel; requiring participating agencies to reimburse the department for training if certain conditions exist; requiring the department to review and monitor certain executive agency actions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 110.1121, Florida Statutes, is created to read:

110.1121 Veterans' employment opportunity.-

27 (1) It is the policy of this state to assist in providing
28 the assurance of equal employment opportunity through programs
29 of affirmative and positive action that will allow full use of
30 veterans of the United States Armed Forces.

31 (2) (a) The head of each executive agency shall develop and
32 implement a veterans' recruitment plan in accordance with rules
33 adopted by the department and approved by a majority vote of the
34 Administration Commission before their adoption.

35 (b) Each executive agency shall establish annual goals for
36 ensuring full use of veterans in the agency's workforce as
37 compared to the relevant labor market, as defined by the agency.
38 Each executive agency shall design its veterans' recruitment
39 plan to meet its established goals.

40 (c) The head of each executive agency shall appoint a
41 veterans' employment officer, who may be a full-time or part-
42 time employee. The responsibilities of the veterans' employment
43 officer include determining annual goals, monitoring agency
44 compliance, and consulting with managers regarding progress,
45 deficiencies, and appropriate corrective action.

46 (d) The department shall include in its annual workforce
47 report information regarding the implementation, continuance,
48 updating, and results of each executive agency's veterans'
49 recruitment plan for the previous fiscal year.

50 (e) The department shall provide training in the
51 principles of veterans' recruitment and hiring, the development
52 and implementation of a veterans' recruitment plan, and the

53 establishment of veterans' employment goals to all supervisory
 54 personnel of the executive agencies. The department may contract
 55 for training services, and each participating agency shall
 56 reimburse the department for costs incurred through such
 57 contracts. After the department approves the content of the
 58 training program, the department may delegate this training to
 59 the executive agencies.

60 (3) The department shall review and monitor executive
 61 agency actions in carrying out the rules adopted by the
 62 department pursuant to this section.

63 Section 2. This act shall take effect October 1, 2016.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Veteran & Military Affairs
 2 Subcommittee

3 Representative Raburn offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (5) and (6) are added to section

8 295.07, Florida Statutes, to read:

9 295.07 Preference in appointment and retention.—

10 (5) (a) Each state agency shall, and political subdivisions
 11 of the state may, develop and implement a written veterans'
 12 recruitment plan that establishes annual goals for ensuring the
 13 full use of veterans in the agency's or subdivision's workforce.
 14 Each veterans' recruitment plan must be designed to meet the
 15 established goals.

16 (b) The Department of Management Services shall collect
 17 statistical data for each state agency on the number of persons



Amendment No.

18 who claim veterans' preference, were hired through veterans'
19 preference, and the number of persons who were hired as a result
20 of the veterans' recruitment plan. The Department of Management
21 Services shall annually update the statistical data required in
22 this subsection on its website and include the statistics in its
23 annual workforce report.

24 (c) For purposes of this subsection, "veterans' recruitment
25 plan" applies to the veterans and their families listed in
26 subsection (1).

27 Section 2. This act shall take effect October 1, 2016.

28
29 -----

30 **T I T L E A M E N D M E N T**

31 Remove everything before the enacting clause and insert:
32 An act relating to veterans' employment; amending s. 295.07,
33 F.S.; requiring each state agency and authorizing other
34 political subdivisions of the state to develop and implement a
35 veterans' recruitment plan; requiring specified goals for
36 veterans' recruitment plans; requiring Department of Management
37 Services to collect specified data and include the data in its
38 annual workforce report and on its website; providing an
39 effective data.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1321 Discounts on Public Park Entrance Fees and Transportation Fares
SPONSOR(S): Rader
TIED BILLS: IDEN./SIM. BILLS: SB 1202

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Renner <i>RR</i>	Thompson <i>JAT</i>
2) Local Government Affairs Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

Currently, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees. Although current law requires state parks to offer discounts on annual entrance passes to active duty servicemembers, honorably discharged veterans, and the surviving spouse and parents of fallen servicemembers, law enforcement officers, and firefighters, there is no such requirement at the county or municipal level.

The bill requires county and municipal parks and recreation departments to provide discounts on local park entrance fees to the following individuals who present any information satisfactory to the county or municipal department, which evidences the individual's eligibility:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air or Army National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air or Army National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse and parents of a law enforcement officer, firefighter, or an emergency medical technician or paramedic employed by state or local government.

For the purpose of minimizing any potential fiscal impact on county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount; and
- Narrowly defines a "park entrance fee" to exclude "additional fees for amenities."

The bill also requires regional transportation authorities to provide disabled veterans, who provide information satisfactory to the authority, with discounts on fares or charges.

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate to be passed by a two-thirds vote of the membership of each house of the Legislature. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact.

The bill has yet to be heard by the Revenue Estimating Conference (REC). However, the REC reviewed a similar bill, HB 1095, during the 2015 legislative session and estimated that the bill would have had a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees. As a result, the bill will likely have an insignificant fiscal impact. In addition, the bill will likely have a positive fiscal impact on veterans, their families, and the families of deceased veterans, law enforcement, firefighters, emergency medical technicians, and paramedics.

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

STORAGE NAME: h1321.VMAS.DOCX

DATE: 1/21/2016

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Military and Veteran Presence in Florida

Current law defines a “veteran” as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later received an upgraded discharge under honorable conditions.¹

A person who is active duty is in the military full time. They work for the military full time, may live on a military base, and can be deployed at any time. Persons in the Reserve or National Guard are not full-time active duty military personnel, although they can be deployed at any time should the need arise.²

The reserves are comprised of seven components (the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve). The purpose of the seven reserve components, as codified in 10 U.S.C. 10102, is to “provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever more units and persons are needed than are in the regular components.”

Florida is home to over 61,000 active-duty military servicemembers,³ over 36,000 Reservists,⁴ and over 1.5 million veterans.⁵ Approximately 299,000 of Florida’s 1.5 million plus veterans are service-disabled.⁶ The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel.⁷

Florida State Park System

The Department of Environmental Protection (DEP), through its Division of Recreation and Parks (DRP), oversees Florida’s 161 state parks, 10 state trails, nearly 800,000 acres, and 100 miles of beaches.⁸ Florida state parks and trails welcomed more than 31 million visitors during the 2014-2015

¹ s. 1.01(14), F.S.

² USDVA Veterans Employment Toolkit Handout created April 6, 2012, available at:

http://www.va.gov/vetsinworkplace/docs/em_activeReserve.html last visited January 21, 2016).

³ Enterprise Florida, Inc., “Florida The Perfect Climate For Business, DEFENSE/HOMELAND SECURITY, available at:

<https://www.enterpriseflorida.com/wp-content/uploads/brief-defense-homeland-security-florida.pdf> (last visited January 18, 2016).

⁴ Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy), under contract with ICF International, “2014 Demographics, PROFILE OF THE MILITARY COMMUNITY”, at page 115, available at:

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&ved=0ahUKewiuv9fjprbKAhVH1h4KHdVzCJwQFggiMAE&url=http%3A%2F%2Fdownload.militaryonesource.mil%2F12038%2FMOS%2FReports%2F2014-Demographics-Report.pdf&usq=AFOjCNG_LrPZb-IBHXLaYuLQg8IK14xG-g&sig2=QNYKLB2s3OC2dDARQpN0ww (last visited January 18, 2016). According to the report, reserve components include the Department of Defense’s Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard and Air Force Reserve, and DHS’s Coast Guard Reserve.

⁵ FDVA, Annual Report Fiscal Year 2014-2015, page 18, available at:

<http://webcache.googleusercontent.com/search?q=cache:yH3YPyF1VNkJ:floridavets.org/wp-content/uploads/2012/08/Cabinet-Meeting-Material.pdf+&cd=1&hl=en&ct=clnk&gl=us> (last visited January 18, 2016).

⁶ U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2014, page 22 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited January 18, 2016).

⁷ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last visited January 18, 2016).

⁸ Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (last visited January 18, 2016).

fiscal year.⁹ During this same time period, Florida state parks and trails generated over \$2.8 billion in direct economic impact, and approximately \$184 million in increased sales tax revenue.¹⁰

To administer, improve, and maintain Florida state parks and trails, the DRP charges reasonable fees for the use or operation of park and trail facilities.¹¹ Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.¹² Daily entrance fees are typically charged per vehicle and range from \$4.00-\$6.00 for a single-occupant vehicle (or motorcycle admission) to \$5.00-\$10.00 for vehicles with two to eight occupants.¹³ Annual entrance passes are also available.¹⁴ The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.¹⁵

State Park Fee Discounts

Currently, DPR provides discounts on state park fees to certain persons who present written documentation. An active-duty military servicemember or honorably discharged veteran is eligible for a 25-percent discount on an annual entrance pass, and as a result, would only pay \$45 for an individual entrance pass or \$90 for a family entrance pass.¹⁶

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.¹⁷ Also, the surviving spouse and parents of the following persons are eligible to receive lifetime family annual entrance passes at no charge:

- A member of the United States Armed Forces, National Guard, or reserve components who was killed in combat.
- A law enforcement officer, as defined in s. 943.10(1), F.S., or a firefighter, as defined in s. 633.102, F.S., who died in the line of duty.

State Park Entrance Fee Discounts: FY 2014-2015¹⁸		
Discount Type	Estimated Passes Sold	Revenue
Individual Annual Entrance Pass	11,470	\$688,199.35
Individual Annual Entrance Pass (Military Discount)	1,466	\$65,957.50
Family Annual Entrance Pass	19,291	\$2,314,890
Family Annual Entrance Pass (Military discount)	4,687	\$421,813.70

⁹ Florida Department of Environmental Protection, Fiscal Year 2014-2015 Economic Impact Assessment for the Florida State Park System, January 19, 2016. On file with Veteran & Military Affairs Subcommittee staff.

¹⁰ *Id.* 'Direct economic impact' is defined as "the amount of new dollars spent in the local economy by non-local park visitors and park operations. "Increased State Sales Tax" is defined as "the estimated amount of tax dollars the state receives as a result of park visitor expenditures."

¹¹ s. 258.014, F.S.

¹² A county surcharge is an example of an "other fee." Florida State Parks website, "Fees," available at: <https://www.floridastateparks.org/things-to-know/fees#daily> (last visited January 18, 2016).

¹³ Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (last visited January 18, 2016).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ s. 258.0145(1), F.S.

¹⁷ s. 258.0145(2), F.S.

¹⁸ DEP provided the estimated sales information to the Veteran & Military Affairs Subcommittee on January 19, 2016.

Lifetime Military Entrance Pass (distribution based on inventory numbers since no revenue collected)	10,977	
Total for FY 2013-2014	47,891	\$3,490,860.55

County and Municipal Parks

According to the Florida Recreation & Park Association, there are over 260 county and municipal parks and recreation agencies in Florida, and most of them do not charge entrance fees.

Disabled Veterans

Section 295.07(1)(a), F.S., requires the state and its political subdivisions to give preference in employment to disabled veterans. The law defines disabled veterans as follows:

- Those who have served on active duty in any branch of the United States Armed Forces, received an honorable discharge, and have a service-connected disability pursuant to the United States Department of Veterans Affairs; or
- Those who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

Law Enforcement, Firefighters, Emergency Medical Technicians, and Paramedics

Current law defines a “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof. Such persons are vested with the authority to bear arms, make arrests, prevent and detect crime, and enforce the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers. The definition does not include support personnel employed by the employing agency.¹⁹

The State Fire Marshal within the Department of Financial Services regulates firefighters. A “firefighter” is defined as an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services, under s. 633.408, F.S.²⁰

The Department of Health (DOH), Division of Emergency Operations regulates emergency medical technicians (EMTs) and paramedics. EMTs and paramedics are regulated pursuant to ch. 401, Part III, F.S. During fiscal year 2013-2014, there were over 31,000 active in-state licensed EMTs and over 28,000 active in-state licensed paramedics in Florida.²¹

“Emergency Medical Technician” is defined to mean a person who is certified by DOH to perform basic life support.²² “Paramedic” means a person who is certified by DOH to perform basic and advanced life support.²³

¹⁹ s. 943.10, F.S.

²⁰ s. 633.102, F.S.

²¹ Florida Department of Health, Division of Medical Quality Assurance, Annual Report and Long Range Plan: 2014-2015 (pg. 10), available at: <http://mqawebteam.com/annualreports/1415/#13/z> (last visited January 21, 2016).

²² s. 401.23(11), F.S.

²³ s. 401.23(2), F.S.

“Basic life support” means the assessment or treatment by a person qualified under this part through the use of techniques described in the EMT-Basic National Standard Curriculum or the National EMS Education Standards of the United States Department of Transportation and approved by the department. The term includes the administration of oxygen and other techniques that have been approved and are performed under conditions specified by rules of the department.²⁴

“Advanced life support service” means any emergency medical transport or nontransport service which uses advanced life support techniques.²⁵

Florida Transportation Authorities and Passenger Rail Systems

Chapters 343, and 349, F.S., provide for various Regional Transportation Authorities in the state. Chapter 343, F.S., provides for the creation of the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 349, F.S., establishes the Jacksonville Transportation Authority.

Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.²⁶ Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities. A few of the acceptable forms of documentation to present at the ticket kiosk include a Disabled Veterans ID, a letter from a physician, a driver license indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits.²⁷ The second commuter service is Lynx, which is operated by the Central Florida Regional Transportation Authority.²⁸

Section 163.567, F.S., provides that any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof in this state are authorized and empowered to convene a charter committee for the purpose of developing a regional transportation authority.²⁹ However, no county, municipality, or other political subdivision may be a member in more than one authority created under this part.³⁰ Currently, no authorities have been created pursuant to this section.

Proposed Changes

Local Park Entrance Fee Discounts

The bill requires county and municipal parks to provide a full or partial discount on park entrance fees to the following individuals:

- Current members, honorably discharged veterans, and honorably discharged veterans with a service-connected disability, of the United States Armed Forces, or their reserve components, including the Air National Guard or Army National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, or their reserve components, including the Air National Guard or Army National Guard, who died in the line of duty under combat-related conditions;
- The surviving spouse or parent of the following:
 - Law enforcement officers as defined in s. 943.10, F.S.;
 - Firefighters as defined in s. 633.102;

²⁴ s. 401.23(7), F.S.

²⁵ s. 401.23(2), F.S.

²⁶ South Florida Regional Transportation Authority, Overview, <http://www.sfrta.fl.gov/overview.aspx> (last visited January 18, 2016).

²⁷ Tri-Rail, Discount Policy, <http://www.tri-rail.com/fares/discount-policy/> (last visited January 18, 2016).

²⁸ See the LYNX website available at: <http://www.golynx.com/> (last visited January 18, 2016).

²⁹ s. 163.597, F.S.

³⁰ Id.

- Emergency medical technicians (EMT) employed by state or local government;
- Paramedics employed by state or local government;

In order to take advantage of the discount, a park visitor must present any “information” satisfactory to the county or municipal department, which evidences the individual’s eligibility. Typically, documentation for an active duty military servicemember includes a current, valid military identification card, which may include the Common Access Cards (CAC),³¹ which is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.³²

For an honorably discharged veteran, sufficient written documentation may include a copy of the veteran’s separation from service documents, or the Uniformed Services ID Card,³³ which allows access to various military service benefits or privileges.³⁴ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.³⁵

Documentation may also include an original, renewal, or replacement Florida driver license³⁶ or identification card³⁷ with the capital “V” designation, that Florida veterans are authorized to purchase.

It may be difficult for the family of a fallen veteran, fallen law enforcement officer, fallen firefighter, EMT, or paramedic to obtain written documentation regarding their fallen family member. Allowing the county, municipality, or regional transportation Authority to require any “information”, instead of “written documentation,” will allow flexibility in determining proof of eligibility, and thus, be less restrictive and onerous to the family members of the fallen persons who may not have written documentation.

The bill does not require Florida residency.

For the purpose of minimizing any potential fiscal impacts to county or municipal revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount in accordance with its financial circumstances; and
- Narrowly defines a “park entrance fee” to exclude other expanded campground fees for the use of amenities such as:
 - Aquatic facilities,
 - Stadiums or arenas,
 - Special events,
 - Boat launching,
 - Golf,
 - Zoos,
 - Museums,
 - Gardens, or
 - Programs taking place within public lands.

³¹ An example of a CAC card can be found on the Department of Defense website on Common Access Cards, *available at* <http://www.cac.mil/common-access-card/>

³² Department of Defense website on Common Access Cards, (last visited January 18, 2016) *available at* <http://www.cac.mil/common-access-card/>

³³ An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, *available at* <http://www.cac.mil/uniformed-services-id-card/>

³⁴ Department of Defense website on Uniformed Services ID Cards, (last visited January 18, 2016) *available at* <http://www.cac.mil/uniformed-services-id-card/>

³⁵ *Id.*

³⁶ s. 322.12, F.S.

³⁷ S. 322.051, F.S.

By restricting the park fee discounts to entrance fees, this may increase any potential positive fiscal impact on county or municipal revenue.

Although county and municipal parks may currently provide a full or partial discount on park entrance fees to these individuals, there may be a benefit from the uniformity that a state law would provide.

Transportation Fare Discounts

The bill also provides disabled veterans, as described in section 295.07(1)(a), with discounts when using a transportation system or facility owned or operated by a regional transportation authority as defined in ch. 163, F.S., ch. 343, F.S or ch. 349, F.S. The regional transportation authority shall provide a partial or full discount on fares for the use of a fixed-route transportation system operated by the authority. The veteran must present information satisfactory to the authority evidencing eligibility for the discount.

B. SECTION DIRECTORY:

Section 1: Creates s. 125.029, relating to military, law enforcement, and firefighter county park entrance fee discounts.

Section 2: Creates s. 163.58, F.S., relating to transportation fare discounts.

Section 3: Creates s. 166.0447, F.S., relating to military, law enforcement, and firefighter municipal park entrance fee discounts.

Section 4: Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The REC has yet to hear the bill. However, the REC heard a similar bill, HB 1095, during the 2015 legislative session and determined the bill would have had a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees.

To the extent that county and municipal parks do charge park entrance fees, county and municipal parks may experience a decrease in revenue generated from park entrance fees.

However, publicity generated from such park entrance fee discounts may lead to an overall increase in revenue for local governments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Generally, the bill will have a positive fiscal impact on veterans, their families, and the families of deceased veterans and first responders.

Park fee discounts at county and municipal parks will be available to certain active-duty military servicemembers, honorably discharged veterans, honorably discharged disabled veterans, and certain family members of servicemembers who have died during combat. The surviving spouse or parent of an EMT, LEO, firefighter, or paramedic, who has died while in the line of duty is also included.

Disabled veterans will be eligible for a full or partial discount when using a system or facility owned or operated by a regional transportation authority.

Publicity generated from discounts to regional transportation authority facilities may lead to an increase in revenue to the communities surrounding such facilities.

D. FISCAL COMMENTS:

To the extent that disabled veterans may use a transportation system or facility owned or operated by a regional transportation authority, regional transportation authorities may experience a decrease in revenue generated from the discounted rates, fees and charges.

However, as stated above, publicity generated from discounts to regional transportation authority facilities may lead to an increase in revenue to the facilities and surrounding communities.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate to be passed by a two-thirds vote of the membership of each house of the Legislature. However, Article VII, section 18(d) of the Florida Constitution provides an exemption from the two-thirds requirement for any general law that has an insignificant fiscal impact.

The REC has yet to hear the bill. However, the REC heard a similar bill, HB 1095, during the 2015 legislative session and estimated that the bill would have a negative indeterminate fiscal impact to local governments. However, most local parks do not charge entrance fees, As a result, the bill would likely have had an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides rulemaking authority nor requires implementation by executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to discounts on public park entrance
3 fees and transportation fares; creating s. 125.029,
4 F.S.; requiring a county park or recreation department
5 to provide a partial or a full discount on park
6 entrance fees to military members, veterans, and the
7 spouse and parents of certain deceased military
8 members, law enforcement officers, firefighters,
9 emergency medical technicians, and paramedics;
10 requiring that individuals seeking the discount
11 present information satisfactory to the county
12 department which evidences eligibility; defining the
13 term "park entrance fee"; providing certain
14 exclusions; creating s. 163.58, F.S.; requiring
15 certain regional transportation authorities to provide
16 a partial or a full discount on fares for certain
17 disabled veterans; creating s. 166.0447, F.S.;
18 requiring a municipal park or recreation department to
19 provide a partial or a full discount on park entrance
20 fees to military members, veterans, and the spouse and
21 parents of certain deceased military members, law
22 enforcement officers, firefighters, emergency medical
23 technicians, and paramedics; requiring that
24 individuals seeking the discount present information
25 satisfactory to the municipal department or recreation
26 department which evidences eligibility; defining the

27 term "park entrance fee"; providing certain
 28 exclusions; providing an effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Section 125.029, Florida Statutes, is created
 33 to read:

34 125.029 County park entrance fee discounts.—

35 (1) A county park or recreation department shall provide a
 36 partial or a full discount on park entrance fees to the
 37 following individuals who present information satisfactory to
 38 the county department which evidences eligibility for the
 39 discount:

40 (a) A current member of the United States Armed Forces or
 41 their reserve components, including the Air National Guard or
 42 the Army National Guard.

43 (b) An honorably discharged veteran of the United States
 44 Armed Forces or their reserve components, including the Air
 45 National Guard and the Army National Guard.

46 (c) An honorably discharged veteran of the United States
 47 Armed Forces or their reserve components, including the Air
 48 National Guard and the Army National Guard, who has a service-
 49 connected disability as determined by the United States
 50 Department of Veterans Affairs.

51 (d) A surviving spouse and parents of a deceased member of
 52 the United States Armed Forces or their reserve components,

53 including the Air National Guard or the Army National Guard, who
 54 died in the line of duty under combat-related conditions.

55 (e) A surviving spouse and parents of a law enforcement
 56 officer, as defined in s. 943.10(1), a firefighter, as defined
 57 in s. 633.102, or an emergency medical technician or paramedic
 58 employed by state or local government, who died in the line of
 59 duty.

60 (2) As used in this section, the term "park entrance fee"
 61 means a fee charged to access lands managed by a county park or
 62 recreation department. The term does not include expanded fees
 63 for amenities, such as campgrounds, aquatic facilities, stadiums
 64 or arenas, facility rentals, special events, boat launching,
 65 golf, zoos, museums, gardens, or programs taking place within
 66 public lands.

67 Section 2. Section 163.58, Florida Statutes, is created to
 68 read:

69 163.58 Transportation fare discounts.—An authority, as
 70 defined in this chapter, chapter 343, or chapter 349, shall
 71 provide a partial or a full discount on fares for the use of a
 72 fixed-route transportation system operated by the authority to a
 73 disabled veteran as described in s. 295.07(1)(a) who presents
 74 information satisfactory to the authority which evidences
 75 eligibility for the discount.

76 Section 3. Section 166.0447, Florida Statutes, is created
 77 to read:

78 166.0447 Municipal park entrance fee discounts.—

79 (1) A municipal park or recreation department shall
 80 provide a partial or a full discount on park entrance fees to
 81 the following individuals who present information satisfactory
 82 to the municipal department which evidences eligibility for the
 83 discount:

84 (a) A current member of the United States Armed Forces or
 85 their reserve components, including the Air National Guard or
 86 the Army National Guard.

87 (b) An honorably discharged veteran of the United States
 88 Armed Forces or their reserve components, including the Air
 89 National Guard or the Army National Guard.

90 (c) An honorably discharged veteran of the United States
 91 Armed Forces or their reserve components, including the Air
 92 National Guard or the Army National Guard, who has a service-
 93 connected disability as determined by the United States
 94 Department of Veterans Affairs.

95 (d) A surviving spouse and parents of a deceased member of
 96 the United States Armed Forces or their reserve components,
 97 including the Air National Guard or the Army National Guard, who
 98 died in the line of duty under combat-related conditions.

99 (e) A surviving spouse and parents of a law enforcement
 100 officer, as defined in s. 943.10(1), a firefighter, as defined
 101 in s. 633.102, or an emergency medical technician or paramedic
 102 employed by state or local government, who died in the line of
 103 duty.

104 (2) As used in this section, the term "park entrance fee"

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105 means a fee charged to access lands managed by a municipal park
106 or recreation department. The term does not include expanded
107 fees for amenities, such as campgrounds, aquatic facilities,
108 stadiums or arenas, facility rentals, special events, boat
109 launching, golf, zoos, museums, gardens, or programs taking
110 place within public lands.

111 Section 4. This act shall take effect July 1, 2016.

