

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 Judiciary

BILL: CS/SB 1588

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Latvala

SUBJECT: Military and Veteran Support

DATE: March 27, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon/Sanders</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Parks</u>	<u>Cibula</u>	<u>JU</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1588 contains provisions relating to rental housing for military servicemembers, veteran-owned businesses, employment of military spouses, and student veteran support. Specifically, the bill:

- Requires expedited processing of a housing rental application, if required, for a military servicemember's spouse and other adult dependents who plan to reside with the servicemember;
- Directs the Florida Department of Veterans Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise;
- Provides that the Supreme Court of Florida may admit the spouse of a military servicemember to practice law in Florida, if the Florida Board of Bar Examiners certifies that the spouse meets certain requirements;
- Requires the Department of Education to expedite the processing of an application for educator certification submitted by the spouse of a military servicemember; and
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

II. Present Situation:

Rental Housing Applications for Military Servicemembers

In 2016, the Legislature created s. 83.683, F.S., which provides that if a landlord requires a prospective tenant to complete a rental application before residing in a rental unit, the landlord must complete processing of such rental application within 7 days, if the prospective tenant is a military servicemember. This provision also applies to condominium associations, cooperative associations, and homeowners associations.

Florida Veteran Business Enterprise Opportunity Act

The Florida Veteran Business Enterprise Opportunity Act¹ exists to rectify the economic disadvantage of service-disabled veterans² and to recognize wartime veterans³ for their sacrifices. The Department of Management Services' (DMS) Office of Supplier Diversity, in partnership with the Florida Department of Veterans' Affairs, is administering the Veteran Business Enterprises program. DMS is responsible for working with the Department of Veterans' Affairs to establish a certification procedure and either granting, denying, revoking the certification of a veteran business enterprise. Responsibilities of the Department of Veterans' Affairs include:

- Assisting DMS in establishing a certification procedure, which shall be reviewed biennially and updated as necessary;
- Identifying eligible veteran business enterprises by any electronic means (including email or website) or by any other reasonable means; and
- Encouraging and assisting eligible veteran business enterprises to apply for certification under this section.

The application process for a veteran business enterprise requires a business to register as a vendor on MyFloridaMarketPlace, which serves as the state's procurement website, and submit the required documentation to the Office of Supplier Diversity.⁴ In order to be certified as a veteran business enterprise, a business enterprise must be an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees;
- Has a net worth of \$5 million or less;
- Is domiciled in Florida;
- Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans; and

¹ Section 295.187, F.S.

² A service-disabled veteran is defined as a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense. See s. 295.187(3)(b), F.S.

³ A wartime veteran is a veteran that served in a campaign or expedition for which a campaign badge has been authorized or during a specified period of wartime service. See s. 295.187(3)(d), F.S.

⁴ Department of Management Services (DMS), Office of Supplier Diversity (OSD), *Get Certified*, http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified (last visited Mar. 24, 2017).

- Is managed and controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

Certification as a veteran business enterprise by the Office of Supplier Diversity is valid for a two-year period after which the business must renew its certification. Currently, a veteran business enterprise can renew its certification online through the DMS website.⁵ During fiscal year 2015-2016, there were 440 Florida businesses with a current certification as a veteran business enterprise.⁶

Pursuant to s. 295.187, F.S., a veteran business enterprise is entitled to vendor preference. Vendor preference requires a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified veteran business enterprise, which are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified veteran business enterprise.⁷

Admission to Practice Law in Florida

Article V, section 15 of the State Constitution provides that the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.⁸ The requirements and procedures for admission to The Florida Bar are established in the Rules of the Supreme Court Relating to Admissions to the Bar (rules), which are administered by the Florida Board of Bar Examiners.⁹

Persons seeking admission to The Florida Bar must meet the character and fitness qualifications set forth by the rules, file the appropriate applications and fees, and comply with the rules governing background investigations and the bar examination.¹⁰ To be qualified for admission to The Florida Bar, an applicant must produce satisfactory evidence of good moral character, an adequate knowledge of the standards and ideals of the profession, and proof that the applicant is otherwise fit to take the oath and to perform the obligations and responsibilities of an attorney.¹¹

An applicant must also sit for the Florida Bar Examination (exam). The exam consists of two components to include the General Bar Examination and the Multistate Professional

⁵ DMS, Office of Supplier Diversity, *Recertification Information*, http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified/recertification_information (last visited Mar. 24, 2017).

⁶ DMS, Office of Supplier Diversity, *Office of Supplier Diversity Annual Report Fiscal Year 2015-2016*, p. 7, http://www.dms.myflorida.com/content/download/130365/809851/OSD_15-16_annual_report_Final.pdf (last visited Mar. 18, 2017).

⁷ Other benefits available to veteran business enterprises and other certified business enterprises, such as women and minority-owned businesses, include: first tier referrals to state agencies for contract opportunities; business development guidance from established corporations; participation at regional workshops, seminars, and corporate roundtables; and inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.

⁸ Fla. Const. art. V, section 15.

⁹ Fla. Bar Admiss. R. 1-10.

¹⁰ Fla. Bar Admiss. R. 2-10.

¹¹ Fla. Bar Admiss. R. 2-12.

Responsibility Examination (MPRE).¹² To be considered for admission to The Florida Bar, an applicant must produce satisfactory evidence of technical competence by passing all parts of the exam.¹³ Additionally, the applicant must hold a Bachelor of Laws or Juris Doctor degree from an accredited law school.¹⁴

Currently, a spouse of a military servicemember is not permitted to practice law in Florida without meeting all of the requirements established in the Bar rules. On February 1, 2017, the Florida Board of Bar Examiners filed a petition with the Supreme Court of Florida to amend the rules by proposing a new subchapter authorizing military spouses to practice law in Florida under certain circumstances.¹⁵

Florida Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).¹⁶ Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.¹⁷ The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”¹⁸

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification. The professional certificate is valid for five years and is renewable.¹⁹
- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required. The temporary certificate is valid for three years and is nonrenewable.²⁰
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school’s athletic coach.²¹

A person seeking an educator certificate must submit an application to DOE and remit the required fee.²² Within 90 calendar days of receiving a completed application, DOE must issue a professional or temporary certificate, depending on the applicant’s qualifications. If the applicant does not meet the requirements for a professional or temporary certificate, DOE must provide a statement of eligibility that advises the applicant of any qualifications that must be completed to qualify for certification.

¹² Fla. Bar Admiss. R. 4-11.

¹³ Fla. Bar Admiss. R. 4-13.

¹⁴ Fla. Bar Admiss. R. 4-13.1.a.

¹⁵ See Supreme Court of Florida, *Petition to Amend the Rules Regulating the Florida Bar, SC17-156* (Feb. 1, 2017), http://jweb.flcourts.org/pls/docket/ds_docket?p_caseyear=2017&p_casenum=156 (last visited Mar. 24, 2017).

¹⁶ Sections 1012.55(1) and 1002.33(12)(f), F.S.

¹⁷ Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

¹⁸ Section 1012.54, F.S.

¹⁹ Section 1012.56(7)(a), F.S.

²⁰ Section 1012.56(7), F.S.

²¹ Section 1012.55(2), F.S.

²² Section 1012.56(1), F.S.

To be eligible for an educator certificate, a person must:²³

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a non-accredited institution identified by DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;²⁴
- Demonstrate mastery of general knowledge;²⁵
- Demonstrate mastery of subject area knowledge;²⁶ and
- Demonstrate mastery of professional preparation and education competence.²⁷

A three-year nonrenewable temporary certificate²⁸ may be issued to an applicant who does not qualify for the professional certificate, but meets the basic eligibility requirements for certification²⁹ and:

- Obtains full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a professional education competence demonstration program;³⁰ and
- Demonstrates mastery of subject area knowledge.³¹

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge³² within one calendar year after employment in order to remain employed in a position that requires a certificate.³³ The DOE may extend the validity period of a temporary certificate for two years if the requirements for the professional certificate (not including the

²³ Section 1012.56(2)(a)-(f), F.S.

²⁴ Section 1012.56(2)(a)-(f), F.S.

²⁵ Section 1012.56(2)(g), F.S. See Florida Department of Education, *General Knowledge*, http://www.fldoe.org/edcert/mast_gen.asp (last visited Feb. 23, 2017).

²⁶ Section 1012.56(2)(h), F.S.

²⁷ Section 1012.56(2)(i), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.shtml> (last visited Mar. 24, 2017).

²⁸ Section 1012.56 (7)(b), F.S.

²⁹ Section 1012.56(2)(a)-(f) and (7)(b), F.S.

³⁰ Section 1012.56(1)(b), F.S.

³¹ Section 1012.56(5), F.S.

³² Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the Florida General Knowledge Test or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination). See s. 1012.56(3), F.S.

³³ Section 1012.56(7), F.S.

mastery of general knowledge requirement) are not completed due to serious illness or injury of the applicant or other extraordinary extenuating circumstances.³⁴

Veterans' Training and Coursework

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.³⁵ In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as provided by law and appoints the Commissioner of the Department of Education.

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.³⁶

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System (SUS).³⁷ The SUS enrolls more than 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards more than 81,000 degrees at all levels.³⁸

College Credit for Military Training and Education

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.³⁹ Accordingly, Board of Governors Regulation 6.013 and Rule 6A-14.0302 of the Florida Administrative Code, require all Florida universities and colleges, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such military training and education must be recognized by the American Council on Education (ACE).

³⁴ *Id.*

³⁵ Section 1001.02(1), F.S.

³⁶ Florida Department of Education, *About Us*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (last visited Mar. 24, 2017).

³⁷ State University System of Florida, Board of Governors, *2025 System Strategic Plan*, 5 (Mar. 2016), http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf.

³⁸ *Id.*

³⁹ Chapter 2012-169, Laws of Fla.

Priority Course Registration for Veterans

Section 1004.075, F.S., requires each Florida College System institution and state university to provide priority course registration for veterans receiving GI Bill benefits if the institution offers priority course registration for any segment of the student population.⁴⁰ Additionally, a spouse or dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.⁴¹

III. Effect of Proposed Changes:

Section 1 amends s. 83.683, F.S., to provide that the current requirement for a landlord to process a housing rental application from a military servicemember within seven days also applies to the servicemember's spouse or any adult dependents of the servicemember who are to reside in the same rental unit. The extension of this provision also applies to condominium associations, cooperative associations, and homeowners associations.

Section 2 amends s. 295.187, F.S., to direct the Florida Department of Veterans' Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise.

Section 3 amends s. 454.021, F.S., to provide that the Supreme Court of Florida may admit the spouse of a military servicemember, as defined in s. 250.01, F.S., to practice law in Florida given that he or she is certified by the Florida Board of Bar Examiners. Certification by the board is contingent on the applicant:

- Registering in the Defense Enrollment Eligibility Report System established by the U. S. Department of Defense;
- Holding a Juris Doctor or Bachelor of Laws degree from a law school accredited by the American Bar Association;
- Being licensed to practice law in another state, the District of Columbia, or a territory of the U.S. after having passed a written exam;
- Establishing that he or she is a member in good standing in all jurisdictions where licensed to practice law and that he or she is not currently subject to discipline or a pending disciplinary matter relating to the practice of law;
- Demonstrating his or her presence in Florida as the spouse of a servicemember; and
- Otherwise fulfilling all requirements for admission to practice law in Florida.

The Supreme Court of Florida may specify circumstances under which the license and authorization for a military spouse to practice law in Florida terminates.

Section 4 amends s. 1012.56, F.S., to require the DOE to expedite the processing of an application for an educator certificate submitted by the spouse of a military servicemember.⁴² DOE must process the application and issue a professional or temporary educator certificate or a statement of status of eligibility within 60 calendar days after receiving the completed

⁴⁰ Chapter 2012-159, Laws of Fla.

⁴¹ *Id.*

⁴² The term servicemember is defined in section 250.01, F.S., as any person serving as a member of the United States Armed forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

application. Current law requires DOE to process an application for an educator certificate within 90 calendar days for all applicants.

The bill also requires the State Board of Education to adopt rules to allow DOE to extend the validity period of a temporary educator certificate for two years if an applicant fails to meet the requirements for the professional certificate due to the fact that the applicant is the spouse of a servicemember stationed in Florida. Current law allows DOE to extend the validity period of a temporary educator certificate for two years because of serious illness or injury or other extraordinary extenuating circumstances.

Section 5 provides legislative intent regarding the provision of college credit for military training and coursework and other services to student veterans. The bill provides that it is the intent of the Legislature that the State Board of Education and the Board of Governors work collaboratively to do the following:

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;
- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the U.S. Department of Veterans Affairs, and other federal and state agencies, and private entities.
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to giving priority registration for veterans.

Section 6 provides an effective date of July 1, 2017.

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:

Under Article V, section 15 of the State Constitution, the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted. The bill states that the Supreme Court may admit the

spouse of a military servicemember, as defined in section 250.01, F.S., to practice law in Florida if the Florida Board of Bar Examiners certifies that he or she meets certain requirements. Because the bill does not require the Supreme Court to admit any person to the practice of law in Florida, the bill does not intrude on the Supreme Court's authority.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill will enable spouses of military servicemembers to find employment more quickly by minimizing some of the impediments to obtaining any required licenses and certifications.

C. Government Sector Impact:

Section 2 of the bill requires the Florida Department of Veterans' Affairs to create a website for businesses to apply for certification as a Veteran Business Enterprise. The cost to create website is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.683, 295.187, 454.021, and 1012.56. The bill also creates undesignated sections of Florida law.

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 Military and Veterans Affairs, Space, and Domestic Security on March 22, 2017:

The CS provides that the requirement for a landlord, condominium association, cooperative association, and homeowners association to process a housing rental application from a military servicemember within seven days of submission also applies to the servicemember's spouse or any adult dependents of the servicemember who are to reside in the same rental unit.

B. Amendments:

None.

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