



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Thursday, February 20, 2014
1:00 PM – 3:00 PM
Reed Hall (102 HOB)**

**Will Weatherford
Speaker**

**Jimmy Patronis
Chair**



The Florida House of Representatives

Economic Affairs Committee

Will Weatherford
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Meeting Agenda **February 20, 2014** **1:00 PM - 3:00 PM** **Reed Hall (102 HOB)**

- I. Call to Order & Opening Remarks by the Chairman**
- II. Consideration of the following bill(s):**
CS/HB 7015 – Military and Veteran Support by Rep. Smith
- III. Closing Remarks by the Chairman**
- IV. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7015 PCB VMAS 14-01 PCB VMAS 14-01 Military and Veteran Support
SPONSOR(S): Appropriations Committee, Veteran & Military Affairs Subcommittee, Smith and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Veteran & Military Affairs Subcommittee	12 Y, 0 N	Dugan	Kiner
1) Appropriations Committee	25 Y, 0 N, As CS	Perkins	Leznoff
2) Economic Affairs Committee		Dugan (RD)	Creamer TC

SUMMARY ANALYSIS

The Florida statutes contain numerous provisions relating to support of military installations, military personnel, veterans and their families. CS/HB 7015 addresses military and veteran support as follows:

Encroachment: The bill appropriates \$8.8 million in nonrecurring funds to the Department of Economic Opportunity's Military Base Protection Program for base buffering.

Armories: The bill appropriates \$12.5 million in nonrecurring funds to the Department of Military Affairs to continue renovations to state readiness centers (armories).

Education: The bill creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Program," which waives out-of-state fees for honorably discharged veterans of the United States Armed Forces, the United States Reserve Forces, and the National Guard.

The bill also appropriates \$5 million in recurring funds to the Florida Department of Military Affairs to pay the tuition and fees for certain deployed Florida National Guard members at a state university or Florida College System institution; and \$250,000 in nonrecurring funds for information technology upgrades to administer this program.

Employment: The bill revises Florida's veterans' preference in employment statutes to include all veterans, and not just wartime and disabled veterans, as well as members of the Florida National Guard and the United States Armed Forces Reserves.

Professional Licensure: The bill revises the Florida Department of Business and Professional Regulation's licensure fee waiver program for veterans, and includes spouses of veterans.

Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden: The bill creates the Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden to recognize and honor those military veterans who have made significant contributions to the state through their service to the United States.

The bill appropriates a total of \$26.55 million in General Revenue for tuition assistance and its administration, base buffering, and armory renovations. Additionally, Florida colleges and universities will experience an estimated loss of \$11.5 million in tuition and fee revenue as a result of additional student veterans being exempt from the requirement to pay out-of-state tuition and fees. Other provisions in the bill appear to have an indeterminate fiscal impact on state and local government revenues and expenditures (See the Fiscal Analysis Section for specific detail).

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

More than 1.5 million veterans live in Florida. Approximately 75 percent of Florida's veteran population is comprised of wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars, and roughly 498,000 Vietnam-era veterans. Additionally, there are 187,000 military retirees who call Florida home.

Florida has a large military population with more than 61,000 active duty military personnel. Another 25,000 civilian personnel are directly associated with the military presence in Florida.

The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel. Since September 11, 2001, more than 16,000 Florida National Guard members have been deployed to support our nation's national security interests. Of this total, roughly 5,760 remain active with the Guard.

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

Educational Dollars for Duty Program (Sections 1 and 2)

Current Situation

Florida National Guard

The Florida National Guard (Guard) consists of nearly 12,000 members,¹ with 9,900 National Guard personnel and 2,000 Air National Guard personnel.²

The FDMA provides administrative support and management oversight to the Guard, and provides units and personnel ready to support national security objectives, to protect the public safety of citizens, and to contribute to national, state and community programs that add value to the nation and to the state.³ Directly responsive to the Governor of Florida, the FDMA and the Guard together operate within the policy guidance and fiscal framework of both federal and state authorities.⁴

Educational Dollars for Duty Program

The FDMA administers the Educational Dollars for Duty (EDD) program to provide educational benefits to certain active Guard members. The EDD program was created in 1997 and is subject to annual appropriations from the Florida Legislature. Appropriations for the EDD program for FY 2012-2013 were \$1.78 million (recurring) and \$1.69 million (nonrecurring) from the General Revenue Fund. During the 2012-2013 school year, approximately 1,054 members used the EDD program.⁵ However, historically, between eight and 12 percent of eligible Guard members elect to participate in the EDD program. According to the FDMA, this percentage has fluctuated in recent years due to fluctuations in deployments.

¹ Adjutant General's Annual Report for the 2012 Fiscal Year.

² Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last viewed February 13, 2014).

³ Id.

⁴ Id.

⁵ Per email correspondence with FDMA staff, December 3, 2013, on file with Veteran and Military Affairs Subcommittee staff.

The Adjutant General is responsible for developing the EDD program for members in good standing of the Guard who enroll in an authorized course of study at a public or private accredited institution of higher education in the state.⁶ Generally, courses authorized for the program must be courses which are for credit and that meet degree requirements.⁷ The Adjutant General may determine which courses are not authorized for the program.⁸ For instance, courses that do not meet the requirements for completion of career training are not authorized for the program.⁹

Subject to appropriations, the FDMA pays directly to the educational institution the full cost of tuition and fees for required courses completed by current, eligible members of the Guard.¹⁰ Members are eligible to use the program upon enlistment.¹¹ If a member is enrolled in a private college or university or a private vocational-technical program, the FDMA will pay up to the average in-state rate.¹²

Eligibility

In order to be eligible for participation in the EDD program, a Guard member must:¹³

- be 17 years of age or older;
- be presently domiciled in the state;
- be an active drilling member and in good standing in the Guard at the beginning of and throughout the entire academic term for which benefits are received;
- maintain continuous satisfactory participation in the Guard for any school term for which exemption benefits are received;
- upon enrollment in the EDD program, complete a memorandum of agreement to comply with the rules of the program and serve in the Guard for the period specified in the member's enlistment or reenlistment contract; and
- not have a master's degree obtained through the program.

Penalties and Reimbursement

The Adjutant General develops the EDD program by promulgating rules for the overall policy, guidance, administration, implementation, and proper use of the program.¹⁴ By law, these rules must provide eligibility guidelines and procedures for restitution when a Guard member fails to comply with program requirements.¹⁵

Penalties for noncompliance with program requirements include, but are not limited to, the following:¹⁶

- if a Guard member receives payment of tuition and fees for any academic term and fails to maintain satisfactory participation in the Guard during that academic term, the Guard member is required to reimburse the FDMA for the academic term for which the member received payment;
- if a Guard member leaves the Guard during the period specified in the Guard member's enlistment or reenlistment contract, the Guard member is required to reimburse the FDMA all tuition charges and student fees for which the member received payments, regardless of whether the obligation to reimburse the FDMA was incurred before, on, or after July 1, 2009, unless the Adjutant General finds that there are justifiable extenuating circumstances;

⁶ s. 250.10(7), F.S.

⁷ s. 250.10(7)(b)2., F.S.

⁸ Id.

⁹ Id.

¹⁰ s. 250.10(8), F.S.

¹¹ Id.

¹² Id.

¹³ s. 250.10(7), F.S. and r. 70-2.001, F.A.C.

¹⁴ s. 250.10(7)(c), F.S.

¹⁵ Id.

¹⁶ s. 250.10(8)(b)1.-4., F.S.

- if a Guard member's service is terminated or the Guard member is placed on scholastic probation while receiving payments, the member shall reimburse the FDMA all tuition charges and student fees for the academic term for which the member received payment; or
- if a Guard member defaults on any reimbursement made under the program, the FDMA may charge the member the maximum interest rate authorized by law.

Pursuant to Florida law, a student enrolled at a state college or university will not face academic or financial penalties by virtue of performing military service on behalf of the country.¹⁷ Thus, any student who withdraws from a course due to military service may either complete the course at a later date or receive a full refund of tuition and fees paid for such course.¹⁸

Online Education

During the 2010-2011 school year, 40 percent of students in the Florida State University System (SUS) and the Florida College System (FCS) were taking at least one online course, compared to 31 percent nationally.¹⁹ As of 2012, SUS and FCS institutions offer approximately 700 online programs.²⁰ The number of veterans who currently reside in the state and are taking an online course at its public universities is unknown.

Florida College System \$10,000 Degree Program

In November 2012, Governor Scott issued his \$10,000 degree challenge to the Florida College System. The challenge was to develop programs that would cost students no more than \$10,000 for baccalaureate degrees that lead to good jobs. All 24 baccalaureate-granting colleges in the Florida College System accepted the challenge and will offer select degrees that meet local and community needs at a very affordable price.

Complete Florida Degree Program

During the 2012 Legislative Session, the Florida Legislature created the Complete Florida Degree Program, which was established for the purpose of recruiting, recovering, and retaining the state's adult learners and assisting them in completing an associate degree or a baccalaureate degree that is aligned with high-wage, high-skill workforce needs.²¹ The Complete Florida Degree Program's implementation is being led by the University of West Florida, in coordination with the Florida College System, the State University System, and private postsecondary institutions.²²

The Complete Florida Degree Program will specifically seek out students who have successfully completed college-level coursework in multiple semesters, but have left an institution, in good standing, before completing a degree.²³ According to figures provided by Complete Florida Degree Program staff at the University of West Florida, over 2 million adults have stopped-out of college in Florida.²⁴

The Complete Florida Degree Program will provide program participants with a single point of access to information and links to innovative online and accelerated distance learning courses, student and library support services, and electronic resources that will guide the program participant toward the successful completion of a postsecondary degree.²⁵

Military veterans, as well as active duty members of the United States Armed Forces, will receive priority for participation in the program.²⁶

¹⁷ s. 1004.07, F.S.

¹⁸ Id.

¹⁹ Parthenon Group Summary: Post-Secondary Online Expansion in Florida, November 12, 2012.

²⁰ Id.

²¹ s. 1006.735, F.S.

²² Id.

²³ Id.

²⁴ Presentation before the House Education Committee on November 13, 2013.

²⁵ s. 1006.735, F.S.

²⁶ Presentation before the House Education Committee on November 13, 2013.

According to its statutory directive, the Complete Florida Degree Program must be implemented by the end of the 2013-2014 academic year.²⁷

Effect of Proposed Change

The bill appropriates \$5 million in recurring funds from the General Revenue Fund to the Department of Military Affairs to pay the full tuition and fees, not to exceed the in-state rate at the applicable institution, for all Florida National Guard members deployed on or after October 31, 2013. As of October 31, 2013, 586 Florida National Guard members were deployed. To be eligible to receive tuition and fee assistance from this appropriation, a Guard member must be generally eligible for the EDD program and must enroll, within one year after the Guard member's deployment ends, in a degree program at a State University System institution, or must enroll at a Florida College System institution. An eligible Guard member may attend classes in person or online.

The bill also appropriates \$250,000 in nonrecurring funds from the General Revenue Fund to the Department of Military Affairs for the purpose of information technology upgrades to accommodate the administration and auditing of the Educational Dollars for Duty program.

The bill also makes changes to the Educational Dollars for Duty program to:

- require the Adjutant General to adopt rules that provide guidelines for authorizing courses leading to a degree offered by a Florida College System institution as part of the Governor's \$10,000 Degree Challenge, courses offered through the Complete Florida Degree Program, and online courses;
- authorize the Adjutant General to reimburse a Guard member for textbook and instructional material costs, but only after tuition and fees for all participants are paid for that fiscal year; and
- require EDD program participants to sign a waiver permitting educational institutions that accept funding from the EDD program to provide course enrollment, course withdrawal, course cancellation, course completion or failure, and grade verification directly to the FDMA Education Services Office.

Manual for Courts-Martial (Section 3)

Current Situation

The state National Guards are governed by the concurrent laws of the federal and respective state governments. All provisions of federal law which relate to the Florida National Guard, and which are not inconsistent with the state constitution or state law, are part of the military laws of Florida.²⁸

The federal Uniform Code of Military Justice (UCMJ) contains the substantive and procedural laws governing the military justice system.²⁹ For the purposes of conducting Courts-Martial, federal regulations have provided for a Manual for Courts-Martial, of which the 2008 version has been adopted into state law for use by the Florida National Guard.³⁰ The Manual for Courts-Martial outlines procedural rules and punishments for violations of crimes.³¹

²⁷ Presentation before the House Education Committee on November 13, 2013.

²⁸ s. 250.03, F.S.

²⁹ 10 U.S.C. 47.

³⁰ Section 814, Art. 2(a)(3) of the UCMJ excludes National Guard members from its provisions unless they are activated for federal service. However, s. 250.35(1), F.S., adopts the UCMJ and the Manual for Courts-Martial for use by the Florida National Guard.

³¹ r. 101, Manual for Courts-Martial, United States (2012).

Florida National Guard members are subject to the UCMJ, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.³²

Federal regulations require states to annually review the Manual for Courts-Martial to remain current with changes to the UCMJ.³³

Effect of Proposed Change

This bill adopts the 2012 version of the Manual for Courts-Martial.

Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden (Section 4)

Current Situation

Direct Support Organization

Current Florida law authorizes the Florida Department of Veterans' Affairs (FDVA) to establish a direct support organization (DSO).³⁴ The DSO relies on public donations to fund programs that benefit veterans and their families.

Military Recognition by Florida Legislature

The Florida Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the state.³⁵ The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the state, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.³⁶

There are no funds generated by the Veterans' Hall of Fame or Medal of Honor Wall for the benefit of veterans or their families.

Effect of Proposed Change

The bill creates the Florida Veterans' Walk of Honor (Walk of Honor) and the Florida Veterans' Memorial Garden (Memorial Garden). The Walk of Honor and Memorial Garden are to be administered by the FDVA's direct support organization. The bill directs the Florida Department of Management Services (FDMS) to set aside an area for the Walk of Honor on the Capitol grounds. The direct support organization will sell memorial bricks inscribed with the name, rank, military service, award, and other information to be used for the Walk of Honor's construction. The bill also directs the Florida Department of Management Services (FDMS) to set aside an area for the Memorial Garden.

The FDMS must consult with the FDVA and the FDVA's direct support organization regarding the design and theme of the area.

The bill states that the Walk of Honor and Memorial Garden will not require the appropriation of state funds. The FDVA's direct support organization will take orders from the public for the memorial bricks, which will generate a recurring funding stream for the support of veterans and for the construction of the Memorial Garden.

³² s. 250.351, F.S.

³³ Executive Order 12473 (July 13, 1984). 10 U.S.C.

³⁴ s. 292.055, F.S.

³⁵ s. 265.003, F.S.

³⁶ s. 265.002, F.S.

Veterans' Preference in Employment (Sections 5-8)

Current Situation

Employment Preference Generally

The Florida statutes have included some form of veterans' employment preference since 1947.³⁷ The purpose of the veterans' preference statute is to reward those who served their country in time of need and to recognize the qualities and traits developed by military service.³⁸

Currently, Florida law 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 spouses of certain military servicemembers, who are Florida residents.³⁹ All advertisements and written job announcements must include notice that veterans and eligible spouses receive preference in employment and are encouraged to apply for the position.⁴⁰

Florida's veterans' preference in employment statutes do not require a government employer to hire a veteran over a more qualified non-veteran.⁴¹ 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.⁴²

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. In 2012, the total number of job applicants who claimed veterans' preference on their application and were hired by government employers was 585.⁴³

Unlike government employers, private employers in Florida are not required to comply with veterans' preference requirements.

Florida has the third largest population of veterans in the nation at over 1.5 million, behind only California and Texas.⁴⁴

In 2012, the unemployment rate among veterans in Florida was 7.3 percent (9.0 percent for Post-9/11 veterans), while the national rate among veterans was 7.0 percent.⁴⁵ The national unemployment rate among veterans in 2013 was 6.6 percent.⁴⁶

³⁷ s. 1, ch. 24201, L.O.F. (1947).

³⁸ *Yates v. Rezeau*, 62 So.2d 726, 727 (Fla. 1952); Ch. 98-33, at 244, L.O.F.

³⁹ 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' preference statutes, and includes all the entities listed above, but also includes all Career Service System positions under the Florida Community College System and the School for the Deaf and the Blind among those required to give employment preference to veterans and spouses of veterans.

⁴⁰ s. 295.065, F.S.

⁴¹ *Harris v. State, Public Employees Relations Com'n.*, 568 So.2d 475 (Fla. 1st DCA 1990).

⁴² *Id.*

⁴³ Per email correspondence with FDVA staff, December 17, 2013, on file with Veteran and Military Affairs Subcommittee staff. According to FDVA staff, the total number of people hired reflects SES and Career Service positions that may not be eligible for veterans' preference.

⁴⁴ FDVA, Annual Report Fiscal Year 2012-13, Facts and Figures.

⁴⁵ U.S. Congress, Joint Economic Committee, Economic Overview and Outlook: Florida, available at: <http://www.jec.senate.gov/public/index.cfm?p=statebystatereport> (last viewed February 13, 2014).

⁴⁶ U.S. Department of Labor, Bureau of Labor Statistics, Databases, Tables & Calculators by Subject, available at: <http://www.bls.gov/webapps/legacy/cpsatab5.htm> (last viewed February 13, 2014).

Persons Eligible for Employment Preference and Exceptions

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:⁴⁷

- a. a veteran with a service-connected disability;
- b. the spouse of a military servicemember with a permanent and total service-connected disability that prevents the military servicemember from qualifying for employment; and the spouse of a military servicemember that is missing in action, was captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- c. a wartime⁴⁸ veteran who was honorably discharged; and
- d. the unremarried widow or widower of a veteran who died as a result of a service-connected disability.

Currently, members of the Florida National Guard are not eligible to claim veterans' preference unless they are deployed and provide wartime service. Further, unlike Federal law, the mother of a military servicemember who was killed or injured in action is not eligible to claim veterans' preference.

Florida law exempts the following government positions from the veterans' preference requirements:⁴⁹

- 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 State University System as well as all Career Service System positions under the Florida College System 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.

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:⁵⁰

- ten points for certain veterans with a service-connected disability; for the spouse of a military servicemember with a total, permanent, service-connected disability; and for the spouse of any person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the 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
- five points for an honorably discharged, wartime veteran and for the unremarried widow or widower of any military servicemember who died from a service-connected disability (i.e., those

⁴⁷ s. 295.07(1)(a)-(d), F.S.

⁴⁸ s. 1.01(14) To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

⁴⁹ s. 295.07(4)(a)-(b), F.S.

⁵⁰ s. 295.08, F.S.

listed above in points c. and d. under "Persons Eligible for Employment Preference and Exceptions").⁵¹

In order for points to be awarded, the applicant must first obtain a qualifying score on the examination.⁵²

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.⁵³ For most positions, the names of all persons qualified to receive a ten-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.⁵⁴ 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.⁵⁵

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.⁵⁶

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:⁵⁷

- first preference is given to a disabled veteran with a service-connected disability; the spouse of a military servicemember with any total, permanent, service-connected disability; and the spouse of any person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the 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 honorably discharged, wartime veterans and the unremarried widow or widower of a veteran who died of a service-connected disability who possesses qualifications necessary to discharge the duties of the position involved (i.e., those listed above in points c. and d. 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.⁵⁸

The FDVA 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.⁵⁹ 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.⁶⁰

⁵¹ Rule 55A-7.010, F.S.C., provides further procedures for calculating points if the highest possible exam score is other than 100.

⁵² Rule 55A-7.010(1), F.A.C.

⁵³ s. 295.08, F.S.

⁵⁴ Id.

⁵⁵ Harris v. State, Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

⁵⁶ Id.

⁵⁷ s. 295.085, F.S.

⁵⁸ See Attorney General's Opinion 88-24

⁵⁹ s. 295.07(2), F.S.

⁶⁰ Id.

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.⁶¹

Complaint and Appeal Process

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 FDVA. The FDVA 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. The FDVA must conduct all investigations within existing amounts appropriated by the Legislature.⁶²

Jurisdiction to effectuate the purposes of the veterans' preference requirements rests with PERC for appropriate administrative determination. If, upon preliminary review, PERC agrees with the FDVA'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, PERC must dismiss the complaint "without the necessity of holding a hearing."⁶³

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.⁶⁴

If 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.⁶⁵ However, attorney's fees and costs may not exceed \$10,000.⁶⁶

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.⁶⁷

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.⁶⁸ 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.⁶⁹ At the end of one year, if the disabled veteran's performance is satisfactory, the veteran will acquire permanent employment status

⁶¹ See Attorney General's Opinion 88-24

⁶² s. 295.11, F.S.

⁶³ Id.

⁶⁴ 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).

⁶⁵ s. 295.14(1), F.S.

⁶⁶ Id.

⁶⁷ s. 295.14(2), F.S.

⁶⁸ s. 110.2135(1), F.S.

⁶⁹ s. 110.2135(2), F.S.

and will be subject to the employment rules of the Florida Department of Management Services and the veteran's employing agency.⁷⁰

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 individual who lost his life under honorable conditions while serving in the United States Armed Forces during specified periods of active duty, provided that:⁷¹

- 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.

Death Benefits for Family of Military Servicemembers

The United States Department of Defense provides compensation to members of the United States Armed Forces through the death gratuity program. 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.⁷² The death gratuity is the same regardless of the cause of death.⁷³ 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.⁷⁴ 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 United States Department of Veterans Affairs determines that the death resulted from injury or disease incurred or aggravated during such duty.⁷⁵

Effect of Proposed Change

The bill amends Florida's veterans' preference in employment statutes to increase the field of persons eligible for veterans' preference to include all veterans, Florida National Guard members, and Gold Star Mothers, Fathers, and legal guardians.

The bill amends the point system for positions determined by an examination as follows:

Category	Current	Proposed
Disabled Veteran	10	15
Spouse of Person With Total Disability, Missing in Action, Captured in Line of Duty, Etc.	10	10
Wartime Veteran	5	10
Un-remarried widow/widower of Person Who Died of a Service-Connected Disability	5	10
Gold Star Family	Not Included	10
Veteran	Not Included	5

⁷⁰ s. 110.2135(2), F.S.

⁷¹ 5 U.S.C. § 2108(3)(F), (G)

⁷² Department of Defense, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed February 13, 2014).

⁷³ Id,

⁷⁴ Id.

⁷⁵ Id.

National Guard/Reserve	Not Included (Unless Qualifying Under Another Provision Above)	5
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Between 2007 and 2010, the FDVA received an average of approximately 136 complaints per year from veterans alleging that a government employer violated the veterans' employment preference requirements. However, the average increased to 925 complaints per year between 2011 and 2013, primarily due to increased awareness of the complaint process. Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints; however, the frequency and cost of potential future complaints is indeterminate. According to the FDVA, any additional complaints will be processed by the full-time employee currently assigned to the program. It should also be noted that s. 295.11, F.S., requires the FDVA to conduct all investigations within existing amounts appropriated to the FDVA.

If the number of complaints increases as a result of the proposed changes, PERC may also experience an increase in the number of complaints it must investigate and adjudicate. The frequency and cost of potential future complaints is indeterminate.

Florida State Veterans' Domiciliary Home and Florida State Veterans' Nursing Homes (Sections 9 and 10)

Current Situation

The State Veterans' Homes Program provides health care to eligible veterans in need of either long-term skilled nursing care or assisted living services. Care is provided to veterans with qualifying war or peacetime service, who are residents of Florida for one year immediately preceding admission, and who require skilled care as certified by a USDVA physician.⁷⁶ Admission criteria are based on the need to maintain a safe environment for all residents.⁷⁷ The skilled nursing and assisted living homes only admit those persons whose needs can be met within the accommodations and services it provides with consideration for all residents.⁷⁸

State Veterans' Domiciliary Home

The Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City opened to residents in 1990.⁷⁹ The 149-bed assisted living facility provides a combination of housing, personalized supportive services and incidental medical care to eligible veterans.⁸⁰ Veterans must be able to feed and dress themselves, and must be in need of assisted living care.⁸¹

In order to be eligible for residency in the State Veterans' Domiciliary Home, a veteran⁸² must:⁸³

- have been a resident of the state for one year immediately preceding application;
- be a resident of the state at the time of application;
- not be mentally ill, habitually inebriated, or addicted to drugs;
- not owe money to the FDVA for services rendered during any previous stay at a FDVA facility;
- have applied for all financial assistance reasonably available through governmental sources; and
- have been approved as eligible for care and treatment by the USDVA.

Admittance priority for the domiciliary home must be given to eligible veterans in the following order:⁸⁴

⁷⁶ FDVA, Annual Report, FY 2012-13.

⁷⁷ Id.

⁷⁸ Id.

⁷⁹ FDVA, State Veterans' Homes, available at: http://floridavets.org/?page_id=87 (last viewed February 13, 2014).

⁸⁰ Id.

⁸¹ Id.

⁸² Veterans eligible for residency in the domiciliary home include those with wartime service, as defined in s. 1.01(14), F.S., or peacetime service, as defined in s. 296.02, F.S.

⁸³ s. 296.06(2)(a)-(f), F.S.

- an eligible veteran with wartime service, who has a service-connected disability or disabilities but is not in need of hospitalization or nursing home care;
- an eligible veteran with wartime service, who has a non-service-connected disability or disabilities but is not in need of hospitalization or nursing home care;
- an eligible veteran with wartime service, other than those described above;
- an eligible veteran with peacetime service.

State Veterans' Nursing Homes

In Florida, six state veterans' nursing homes operated by the FDVA provide full-service, long-term residential nursing care to eligible veterans.⁸⁵ The homes are supervised 24-hours daily by registered and licensed nurses.⁸⁶ Five of the six skilled nursing facilities have dementia-specific wings.⁸⁷ The six nursing homes are located in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte, and St. Augustine.⁸⁸

In order to be eligible for admittance to a state veterans' nursing home, the veteran⁸⁹ must:⁹⁰

- be in need of nursing home care;
- have been a resident of the state for one year immediately preceding application;
- be a resident of the state at the time of application;
- not owe money to the FDVA for services rendered during any previous stay at a FDVA facility;
- have applied for all financial assistance reasonably available through governmental sources; and
- have been approved as eligible for care and treatment by the USDVA.

The FDVA director may waive the residency requirement for a veteran, who is otherwise eligible under Florida law for admittance to a home, and who is a disaster evacuee of a state that is under a declared state of emergency.⁹¹

Admittance priority for the nursing homes must be given to eligible veterans in the following order of priority:⁹²

1. An eligible veteran who is a resident of the State of Florida.
2. An eligible veteran who has a service-connected disability as determined by the USDVA, or was discharged or released from military service for disability incurred or aggravated in the line of duty and the disability is the condition for which nursing home care is needed.
3. An eligible veteran who has a non-service-connected disability and is unable to defray the expense of nursing home care and so states under oath before a notary public or other officer authorized to administer an oath.

Occupancy Figures

For fiscal year 2012-2013, the total number of beds available in the Florida State Veterans' Homes Program was 869, with 720 representing nursing home beds.⁹³ According to Florida's Agency for Health Care Administration, Florida has a total of 83,229 nursing home beds with a total of 3.4 million

⁸⁴ s. 296.08(1)(a)-(d), F.S.

⁸⁵ FDVA, Annual Report, FY 2012-13.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ Id.

⁸⁹ Veterans eligible for residency in a nursing home include those with wartime service, as defined in s. 1.01(14), F.S., or peacetime service, as defined in s. 296.02, F.S.

⁹⁰ s. 296.36(1) F.S.

⁹¹ s. 296.36(2), F.S.

⁹² s. 296.36(3)(a)-(c), F.S.

⁹³ FDVA, Annual Report, FY 2012-13.

seniors and more than 500,000 with Alzheimer's or related dementias.⁹⁴ The veteran population over 65 years old in Florida is estimated to be 697,000.⁹⁵

During fiscal year 2012-2013, the average occupancy rate for state veterans' homes in operation two years or longer was 97 percent (see Figure One below). The Robert H. Jenkins State Veterans' Domiciliary Home in Lake City operated at an average of 86 percent (see Figure One below).

Figure One				
Facility Occupancy Rates by Fiscal Year⁹⁶				
	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Robert J. Jenkins State Veterans' Domiciliary Home, Lake City	77%	85%	85%	86%
Emory L. Bennett State Veterans' Nursing Home, Daytona Beach	88%	77%	94%	99.4%
Baldomero Lopez State Veterans' Nursing Home, Land O' Lakes	99%	99%	100%	99.4%
Alexander Nininger State Veterans' Nursing Home, Pembroke Pines	95%	98%	98%	98.8%
Clifford C. Sims State Veterans' Nursing Home, Panama City	99%	99%	100%	99.9%
Douglas T. Jacobson State Veterans' Nursing Home, Port Charlotte	97%	98%	99%	99.6%
Clyde E. Lassen State Veterans' Nursing Home, St. Augustine	N/A	23%	83%	99.1%
State Veterans' Homes Program Average⁹⁷	93%	93%	96%	97.1%

The FDVA anticipates a steep increase in demand for nursing home beds as Vietnam era veterans reach the age where nursing home care is usually required.⁹⁸ The number of Vietnam era veterans currently in the state (498,167) is significantly higher than the current nursing home population of World War II (113,754) and Korean Conflict era veterans (178,250).⁹⁹ Further, most Vietnam era veterans will be eligible for nursing home care to due illnesses and service-connected disabilities caused by exposure to Agent Orange.¹⁰⁰

Effect of Proposed Change

The bill amends ss. 296.06(2)(b) and 296.36(1)(b), F.S., to remove the one year residency requirement to allow veterans, who meet all other requirements for admission and are currently residents of the state, immediate access to vacancies in the State Veterans' Domiciliary Home or a state veterans' nursing home.

The FDVA states that fulfilling the vacant beds in the SVDH and SVNHs would not increase the cost of operating such facilities.¹⁰¹

⁹⁴ FDVA, Annual Report, FY 2012-13.

⁹⁵ Id.

⁹⁶ Id.

⁹⁷ Average occupancy excludes St. Augustine, which has two years to meet the Performance Measure.

⁹⁸ Per email correspondence with FDVA staff, November 22, 2013, on file with Veteran and Military Affairs Subcommittee staff.

⁹⁹ Id.

¹⁰⁰ Id.

¹⁰¹ FDVA 2014 Legislative Proposals.

Driver License Exemptions for Nonresident Military Servicemembers (Sections 11 and 12)

Current Situation

Driver License Exemptions for Non-Resident Military Servicemembers

Florida law requires all persons driving a motor vehicle on a Florida highway to possess a valid driver license issued pursuant to ch. 322, F.S.¹⁰² However, a non-resident who is at least 16 years of age and has a valid driver license from another state is exempt from the requirement to obtain a driver license.¹⁰³ Pursuant to this exemption, a non-resident military servicemember and his or her dependents stationed in Florida are not required to obtain a Florida driver license provided they possess a valid driver license issued by another state.¹⁰⁴

Current law provides that once a non-resident accepts employment in the state or enrolls his or her children in a Florida public school, the non-resident becomes subject to the driver license provisions in ch. 322, F.S., and must obtain a Florida driver license within 30 days after the commencement of such employment or education.¹⁰⁵ Further, the spouse and dependents of the non-resident must obtain a Florida driver license within 30-days after the commencement of such employment or education.

Florida law specifically exempts an active duty military servicemember stationed in Florida from the requirement to obtain a Florida driver license when the service member enters his or her children in a Florida public school.¹⁰⁶ To be eligible for the exemption, the service member must have a valid military driving permit or a valid driver license issued by another state.¹⁰⁷ This exemption currently does not apply to the service member's spouse or dependents.

Driver License Extensions for Military Personnel and Dependents

Florida driver license holders are required to periodically renew their driver license¹⁰⁸ upon payment of the required renewal fees and successful passage of any required examination.¹⁰⁹ In an effort to process license renewals expeditiously, only examination of the licensee's eyesight and hearing is required.¹¹⁰ The renewal fee for a Class E driver license is \$48, which is deposited into the state's General Revenue Fund. Those renewing a Class E driver license within 12 months after the expiration date of the license are subject to a \$15 delinquent fee, which is also deposited into the state's General Revenue Fund.¹¹¹

Florida law grants a military servicemember serving on active duty outside this state, and dependents residing with him or her, an automatic extension without reexamination for a Class E driver license that expires while performing such service.¹¹² This extension is valid for 90 days after the service member is either discharged or returns to the state of Florida to live.¹¹³

Upon a service member's application to the Department of Highway Safety and Motor Vehicles (DHSMV) certifying active duty status outside of Florida, the DHSMV issues a military extension card extending the driving privileges of the service member and his or her dependents.¹¹⁴ The DHSMV

¹⁰² s. 322.03(1), F.S.

¹⁰³ s. 322.04(1)(c), F.S.

¹⁰⁴ See Attorney General's Opinion 78-164 (1978).

¹⁰⁵ s. 322.031(1), F.S.

¹⁰⁶ s. 322.031(2), F.S.

¹⁰⁷ s. 322.031(1), F.S.

¹⁰⁸ Pursuant to s. 322.18(4)(a), driver licenses are generally valid for 8 years.

¹⁰⁹ s. 322.18(4)(a), F.S.

¹¹⁰ s. 322.121(1), F.S.

¹¹¹ s. 322.21(1)(c), F.S.

¹¹² s. 322.121(5), F.S.

¹¹³ Id.

¹¹⁴ DHSMV. Military Extension Instructions For Military Personnel, Spouse and Dependents Temporarily Assigned Outside of Florida, available at: <http://www.flhsmv.gov/MilExtCard.pdf> (last viewed February 13, 2014).

currently recognizes a "dependent" as a service member's spouse, children and step-children under the age of 21, living in the same household.¹¹⁵

Effect of Proposed Change

The bill amends s. 322.031, F.S., to exempt an active duty military servicemember's spouse, and dependents who reside with him or her, from obtaining a Florida driver license if a dependent of the servicemember enrolls in a Florida public school.

The bill amends s. 322.121, F.S., to clarify that the military servicemember's spouse, and dependents who reside with him or her, are eligible for an automatic extension without reexamination for a Florida driver license that expires while he or she is stationed outside of Florida.

Florida Department of Business and Professional Regulation License Fee Waivers for Veterans (Section 13)

Current Situation

The Department of Business and Professional Regulation (DBPR) was established in 1993 with the merger of the Department of Business Regulation and the Department of Professional Regulation.¹¹⁶ Section 455.213, F.S., provides the general provisions for issuance of professional licensure by the DBPR. The DBPR is the agency charged with licensing and regulating businesses and professionals in the state, including but not limited to, cosmetologists, veterinarians, real estate agents and pari-mutuel wagering facilities.¹¹⁷ The current statute waives the initial licensing fee, the initial application fee and initial unlicensed activity fee for military veterans who have been honorably discharged from the United States Armed Forces within 24 months prior to applying for licensure.

Since October 1, 2012, the date on which the licensure fee waiver program became effective, the DBPR received requests from military veterans for waivers of 113 initial applications and 21 initial licenses; of these applications and licenses, nine applications and three licenses were for professions requiring more than 24 months of education and/or experience to qualify for licensure. The total amount of fees waived was \$17,867.50 (\$13,810.50 initial applications, \$3,952.00 initial licenses and \$105.00 unlicensed activity fee).

Effect of Proposed Changes

The bill amends s. 455.213, F.S., to extend the time allowed for the fee waiver from 24 months to 60 months. Further, the bill extends the waiver to include the spouse of a military servicemember.

The DBPR anticipates future requests for fee waivers to be consistent with past requests. Given the low number of waivers from past applicants and licensees for professions requiring greater than 24 months of qualification education and/or experience, the DBPR is unable to accurately estimate the fiscal impact of extending the waiver period from 24 months to 60 months. However, the DBPR does not anticipate a significant increase in waiver requests due to the provisions of this bill.

¹¹⁵ DHSMV website, How do I renew my license or ID card?, available at: <http://www.flhsmv.gov/ddl/renewing.html> (last viewed February 13, 2014).

¹¹⁶ Chapter 93-220, L.O.F.

¹¹⁷ DBPR website, available at: <http://www.myfloridalicense.com/dbpr/index.html> (last viewed February 13, 2014).

Temporary Medical License for Military Servicemember (14-17)

Current Situation

Health Care Practitioner Licensure

The Department of Health (DOH), Division of Medical Quality Assurance (MQA) evaluates the credentials of all applicants for licensure, issues licenses, analyzes and investigates complaints, inspects facilities, assists in prosecuting practice act violations, combats unlicensed activity, and provides credentials and discipline history about licensees to the public.¹¹⁸ MQA licenses and regulates seven types of facilities and 200-plus license types in more than 40 healthcare professions.¹¹⁹ In Fiscal Year 2012-2013, MQA regulated a total of 1,091,306 health care practitioners in a total of 25,286 facilities/establishments.¹²⁰

All health care practitioners are required to comply with the licensing provisions specified for the health care profession and corresponding practice act¹²¹ that they are seeking to be licensed under. The board (or DOH if there is no board), determines whether DOH should issue a license to practice in Florida.

In Fiscal Year 2009-2010, the average number of days to issue a license was 56.5 days.¹²² This is calculated from the date an application is received by the Department to the date the license is issued. The application for licensure to become a medical doctor in Florida is 30 pages in length.¹²³

Temporary Certificate for Practice in Areas of Critical Need

A physician is eligible to receive a temporary certificate to practice in an area of critical need (temporary certificate) if:¹²⁴

- the physician holds a valid license to practice in any jurisdiction in the United States; or
- the physician has served as a physician in the United States Armed Forces for at least 10 years and received an honorable discharge from the military; and
- the physician pays an application fee of \$300.

An active duty military servicemember is not eligible to receive a temporary certificate, unless he or she is currently licensed in any jurisdiction in the United States.

The State Surgeon General is tasked with determining the areas of critical need.¹²⁵ Such areas may include a health professional shortage area designated by the United States Department of Health and Human Services.¹²⁶ The temporary certificate is valid for as long as the State Surgeon General

¹¹⁸ FDOH, Division of Medical Quality Assurance (MQA), Reports and Publications, 2009-2010 Annual Report, available at: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed February 13, 2014).

¹¹⁹ FDOH, MQA website, available at: <http://www.flhealthsource.com/> (last viewed February 13, 2014).

¹²⁰ FDOH, MQA, Reports and Publications, 2012-2013 Annual Report, available at: <http://www.doh.state.fl.us/mqa/reports.htm> (last viewed February 13, 2014).

¹²¹ "Practice Acts" are in statute for each profession and establish the scope and standards of practice of the profession, and provide grounds for disciplinary action.

¹²² Per email correspondence with DOH, MQA staff, March 17, 2011, on file with Health & Human Services Quality Subcommittee staff.

¹²³ Florida Board of Medicine, Medical Doctor – Unrestricted, Application, available at: <http://www.flboardofmedicine.gov/licensing/medical-doctor-unrestricted/> (last viewed February 13, 2014).

¹²⁴ ss. 458.315(2)(a)-(b) and 459.0076(2)(a)-(b), F.S.

¹²⁵ ss. 458.315 (4)(a) and 459.0076(4)(a), F.S.

¹²⁶ Health Professional Shortage Areas (HPSAs) are defined in s. 332 of the Public Health Service Act, 42 U.S.C. 254e to include: (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health professionals. The federal designation as a HPSA documents a shortage of health care providers (primary care, dental or mental health) as well as the existence of barriers to accessing care including lack of public transportation, travel time and distance to the next source of undesignated care and high poverty. To be eligible for designation, a geographic area or a population group (a low income or migrant population) must have a population-to-physician ratio greater than 3,000 to one. See Florida Department of Health, Division of Health Access and

determines that the reason for which it was issued remains a critical need to the state.¹²⁷ The temporary certificate may only be used in certain designated facilities in an area of critical need or other facilities approved by the State Surgeon General.¹²⁸ The Board of Medicine is required to review each temporary certificate holder annually to ensure compliance with the Medical Practice Act.¹²⁹

The temporary certificate is also known as the Rear Admiral LeRoy Collins, Jr., Temporary Certificate for Practice in Areas of Critical Need. Rear Admiral LeRoy Collins, Jr. died July 29, 2010, in Tampa, Florida, at the age of 75. He was a native of Tallahassee and the son of former Florida Governor LeRoy Collins. He graduated from the U.S. Naval Academy in 1956, embarking upon a 34-year military career and retiring as a two-star Rear Admiral in 1990. In 2007, former Governor Charlie Crist appointed Admiral Collins the executive director of the Florida Department of Veterans' Affairs. Admiral Collins founded the Florida Veterans Foundation, Inc.

After submitting the 27 page application, the estimated length of time it takes to receive a temporary certificate is between two to six months.¹³⁰

Volunteer Health Care Provider Program

In 1992, the Florida Legislature passed the Access to Health Care Act, which created the Volunteer Health Care Provider Program (VHCPP).¹³¹ The intent of this legislation was twofold: to increase access to health care for uninsured and underserved Floridians and to increase the number of health care volunteers through the extension of state-sponsored sovereign immunity protection.¹³² Through VHCPP, government health care providers¹³³ employ volunteers to provide uncompensated health care services to low-income patients, with the protection of sovereign immunity.¹³⁴

Military Physicians¹³⁵

A military physician in the Florida National Guard (Guard) who holds an active license to practice medicine in any other state or Puerto Rico, while serving as a medical officer in the Guard pursuant to federal or state orders, is expressly authorized to practice medicine on military personnel or civilians during an emergency, declared disaster, or during federal military training.¹³⁶

A military physician of the U.S. Armed Forces and of the U.S. Public Health Service, while on active duty and while acting within the scope of his or her military or public health responsibilities, is not subject to the Florida Health Care Practitioner Licensure requirements.¹³⁷

Military physicians often seek to volunteer at community medical clinics during their dwell time.¹³⁸ However, a military physician generally cannot perform medical care on civilians without a Florida medical license or temporary certificate.

Tobacco, Office of Health Professional Recruitment, available at: <http://www.doh.state.fl.us/workforce/recruit1/shortdesig.html> (last viewed February 13, 2014).

¹²⁷ ss. 458.315(4)(c) and 459.0076(4)(c), F.S.

¹²⁸ ss. 458.315(4)(a)1. and 459.0076(4)(a)1., F.S.

¹²⁹ ss. 458.315 (4)(c) and 459.0076(4)(c), F.S.

¹³⁰ Florida Board of Medicine, Temporary Certificate for Practice in Areas of Critical Need, Process, available at: <http://www.flboardofmedicine.gov/licensing/temporary-certificate-for-practice-in-areas-of-critical-need/> (last viewed February 13, 2014).

¹³¹ s. 1, ch. 92-278, L.O.F.

¹³² s. 766.1115(2), F.S.

¹³³ See s. 766.1115(3)(c)-(d), F.S. for a detailed description of the eligible health care providers.

¹³⁴ s. 766.1115(3)(a), F.S.

¹³⁵ 'Military physician' refers to any military servicemember who performs medical care while on active duty.

¹³⁶ s. 250.375, F.S.

¹³⁷ s. 458.303(c), F.S.

¹³⁸ 'Dwell time' refers to the time a military servicemember spends at a home after returning from deployment.

The short length of dwell time, combined with the length of time it takes to receive a temporary certificate, makes it difficult for a military physician to obtain a temporary certificate and volunteer at a medical facility before he or she is redeployed or reassigned to another base.

Effect of Proposed Changes

The bill amends ss. 458.315 and 459.0076, F.S., to remove the current language related to military and veteran physicians.

The bill creates ss. 458.3151 and 459.00761, F.S. to streamline the Florida Department of Health application requirements for a temporary certificate for practice in areas of critical need for applicants who are active duty military and veterans.

The bill requires a military or veteran physician to provide information regarding the volunteer work to be performed as well as proof of his or her credentials to perform such work without requiring redundant or unnecessary information, all while maintaining a strong vetting process in order to not compromise public safety.

The bill requires the Department of Health to issue a simplified application process, which does not request unnecessary and redundant information, and the Department is required to make a determination within ten days of receipt of a completed application.

Florida Department of Business and Professional Regulation Prescription Drug Wholesale Distributor Permit (Section 18)

Current Situation

Chapter 2010-161, Laws of Florida, transferred the Drugs, Devices, and Cosmetics Regulatory Program and the administration of chapter 499, Florida Statutes, from the Department of Health to the Department of Business and Professional Regulation (DBPR), effective October 1, 2011.

Currently, prescription drug wholesale distributors are regulated by DBPR's Drugs, Devices, and Cosmetics division (DDC). All applicants and permittees must designate in writing at least one natural person to serve as the designated representative (certified designated representative).¹³⁹ Such person must have an active certification from the DBPR.¹⁴⁰ Part of the eligibility criteria to obtain a certification as a designated representative is having at least two years of either of the following types of verifiable, full-time work experience:¹⁴¹

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

Effect of Proposed Changes

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

¹³⁹ s. 499.012(16)(a), F.S.

¹⁴⁰ Id.

¹⁴¹ s. 499.012(16)(b)(3), F.S.

Waiver of Out-of-state Fees for Veterans (Section 19)

Current Situation

Tuition and Out-of-State Fees

Under Florida law, "tuition" is defined as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state."¹⁴² A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.¹⁴³

An "out-of-state fee" is "the additional fee for instruction provided by a public postsecondary education institution in this state, which fee is charged to a student who does not qualify for the in-state tuition rate."¹⁴⁴ A "non-resident for tuition purposes" is defined as a "person who does not qualify for the in-state tuition rate,"¹⁴⁵ and pays the out-of-state fee in addition to tuition.

Residents for tuition purposes are charged in-state rates for tuition while non-residents pay out-of-state fees in addition to tuition, unless such costs are exempted or waived.¹⁴⁶

Fee Exemptions and Fee Waivers

Florida law authorizes school districts that provide workforce education programs, Florida College System (FCS) institutions, and state universities to grant fee exemptions¹⁴⁷ and fee waivers¹⁴⁸ to qualified students that meet specified criteria. A number of fee exemptions and fee waivers are permissive¹⁴⁹ while others are mandatory.¹⁵⁰ There is a limitation on the number of permissive fee waivers a school district providing workforce education programs or an FCS institution may grant;¹⁵¹ however, this limit does not apply to mandatory fee waivers.

Regarding military personnel, Florida law provides a mandatory undergraduate fee waiver for "each recipient of a Purple Heart or another combat decoration superior in precedence" at a state university or Florida College System (FCS) institution.¹⁵² The statute requires that the recipient:¹⁵³

- (1) be in an undergraduate program that results in a certificate or degree;
- (2) is currently a resident of the state and was a resident at the time of the action that resulted in the awarding of the applicable combat decoration; and
- (3) provide the institution with appropriate documentation of the separation from service and receipt of the combat decoration.

The fee waiver for Purple Heart recipients, and recipients of superior combat decorations, covers 110 percent of the credit hours the recipient needs to complete the applicable degree or certificate

¹⁴² s. 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee."

¹⁴³ s. 1009.21(1)(g), F.S.

¹⁴⁴ s. 1009.01(2), F.S. Adding that "[a] charge for any other purpose shall not be included within this fee."

¹⁴⁵ s. 1009.21(1)(e), F.S.

¹⁴⁶ ss. 1009.23(2)(a) and 1009.24(2), F.S.

¹⁴⁷ s. 1009.25, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, available at: <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (last viewed February 13, 2014) (noting that "[a]n exemption is provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees").

¹⁴⁸ s. 1009.26, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, available at: <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (last viewed February 13, 2014) (providing that a "waiver occurs when a student has his or her fees, which would otherwise be due, waived or forgiven by an institution").

¹⁴⁹ s. 1009.25(2), F.S. (authorizing each FCS institution to grant additional fee exemptions "up to 54 full-time equivalent students or 1 percent of [an] institution's total full-time equivalent enrollment, whichever is greater at each institution"); ss. 1009.26(1)-(4), (6), (9), (10), (11), F.S.

¹⁵⁰ s. 1009.25(1)(a)-(g), F.S.; s. 1009.26(5), (7), (8), F.S.

¹⁵¹ s. 1009.26(1), F.S.

¹⁵² s. 1009.26(8), F.S.

¹⁵³ s. 1009.26(8)(a)-(c), F.S.

program.¹⁵⁴ During 2011-2012, 168 students at FCS institutions received Purple Heart fee waivers totaling \$269,580.¹⁵⁵ At state universities, 46 students received Purple Heart fee waivers totaling \$151,896 during 2012-2013.¹⁵⁶

Additionally, through one of the permissive fee waivers, the board of trustees at each state university, as well as school districts, and FCS institutions, are authorized to waive fees under certain conditions. The board of trustees of each state university is authorized to “waive tuition and out-of-state fees for purposes that support and enhance the mission of the university.”¹⁵⁷

In 2011-2012, FCS institutions provided exemptions and fee waivers for 71,719 students, which totaled \$93,689,726.¹⁵⁸ Fee exemptions and fee waivers, respectively, totaled \$83,926,832 and \$9,762,894 within FCS institutions.¹⁵⁹ A total of \$205,824,039 in fee exemptions and fee waivers were provided by state universities during 2012-2013.¹⁶⁰

Tuition Assistance for Veterans

States and institutions of higher education across the nation use an array of options and criteria to apply in-state tuition rates to veterans. The differing means of granting in-state tuition to veterans, through state law or institutional policy, and the varying eligibility requirements to receive the benefit, create a range of options when providing tuition assistance to veterans. For example, some states:

- provide for veterans to be charged in-state tuition without a residency requirement;¹⁶¹
- require that a veteran be permanently stationed in the state¹⁶² or be a resident of the state and meet an additional requirement to be a resident for admission and tuition purposes;¹⁶³

¹⁵⁴ s. 1009.26(8), F.S.

¹⁵⁵ Per email correspondence with the Florida Department of Education, December 11, 2013, on file with Senate Committee on Education.

¹⁵⁶ Per email correspondence with the Board of Governors of the State University System of Florida, December 11, 2013, on file with Senate Committee on Education.

¹⁵⁷ s. 1009.26(9), F.S. (noting that fee waivers under this section must be grounded in policies adopted by the state university board of trustees under regulations adopted by the Board of Governors).

¹⁵⁸ Per email correspondence with the Florida Department of Education, December 11, 2013, on file with Senate Committee on Education.

¹⁵⁹ Per email correspondence with the Florida Department of Education, December 11, 2013, on file with Senate Committee on Education. The calculation of fee exemptions the exemptions provided under s. 1009.25(2), F.S., which totaled \$7,912,717 for 2,691 students and the exemptions under s. 1009.25(1), F.S.

¹⁶⁰ Per email correspondence with the Board of Governors of the State University System of Florida, December 11, 2013, on file with Senate Committee on Education.

¹⁶¹ *E.g.*, MISS. CODE ANN. §37-103-25(2)(b) (requiring that the student need only be a veteran of the Armed Forces); MISS. CODE ANN. §37-103-25(2)(c) (assessing an in-state tuition fee to a nonresident student who is “domiciled in Mississippi no later than six (6) months after . . . separation from service . . . for the purpose of enrolling in a state institution of higher learning or a community or junior college”); *see also* VA. CODE ANN. §23-7.4(B) (waiving the one year residency requirement for “retired military personnel residing in the Commonwealth at the time of their retirement, or veterans, or the domiciliary intent of their dependent spouse or children who claim domicile through them, who voluntarily elect to establish Virginia as their permanent residence for domiciliary purposes”).

¹⁶² *E.g.*, LA. REV. STAT. ANN. §17:2137(D) (establishing that honorably discharged veterans (and their dependents) who were permanently stationed in the state as members of the Armed Forces and continuously reside in the state upon discharge qualify for resident tuition fees).

¹⁶³ *E.g.*, ALA. CODE §16-64-2(b)(1)c. (providing residency status for admission and tuition purposes to a veteran who “has become a resident of Alabama and satisfies at least one of the following conditions,” where the veteran has: served on active duty for two or more years with an honorable discharge within five years of attending a public school in Alabama; is currently serving in a reserve component of the Armed Forces; or has a service-related disability as determined by the USDVA); LA. REV. STAT. ANN. §17:2137(E) (granting residency for tuition purposes to a veteran of the Armed Forces who resides in the state for the duration of enrollment in a public college or university, except for tuition fees of a veteran who is eligible for the Yellow Ribbon Program; has served for two or more years and was honorably discharged one year prior to enrollment; is in a Reserve Component of the Armed Forces; or has a service-related disability as documented by the USDVA).

- do not require that residency be demonstrated but may require continuous enrollment and some form of documentation that is relevant to state residency;¹⁶⁴ or
- provide a specific waiver of the in-state residency requirement for residents living out-of-state but within a certain radius of the institution being attended.¹⁶⁵

Additionally, some laws authorize institutions of higher education to develop policies and criteria that provide fee waivers to eligible veterans.¹⁶⁶

U.S. Department of Veterans Affairs Education Benefits Program

The USDVA provides financial assistance programs to eligible veterans and dependents pursuing postsecondary education. The USDVA currently administers the following federal educational assistance programs:

- **Montgomery GI Bill – Active Duty Educational Assistance Program (MGIB-AD)**¹⁶⁷
 - The MGIB-AD provides educational assistance to persons who served on active duty in the Armed Forces.¹⁶⁸ Active duty members make an initial contribution¹⁶⁹ and are subsequently entitled to receive a monthly education benefit¹⁷⁰ once they have completed a minimum service obligation.¹⁷¹

¹⁶⁴ ARIZ. REV. STAT. §15-1802(G) (giving automatic in-state student classification to honorably discharged veterans who are continuously enrolled and have: (1) registered to vote in Arizona, and (2) shown intent to become an Arizona resident through: an Arizona driver's license, vehicle registration, employment history, movement of significant banking services to the state, providing a permanent state address on "pertinent documents," or through other documents relevant to residency status); TEX. EDUC. CODE ANN. §54.241(i) (granting an honorably discharged veteran (and the veteran's spouse and dependent children) with in-state costs at a state institution "for any term or semester at a state institution of higher education that begins before the first anniversary of the member's separation from the Armed Forces" and provided that subsection (d) requirements relating to residency are also met); *see also* TEX. EDUC. CODE ANN. §54.241(k) (stating that a person is entitled to in-state tuition rates, regardless of residency, if the individual is eligible for federal veteran education benefits and files a letter of intent with the institution to establish residency in Texas).

¹⁶⁵ *E.g.*, ALA. CODE §16-64-62(b)(1)d. (stating that "an out-of-state veteran who resides within 90 miles of a campus located in Alabama and has enrolled at an institution whose board of trustees has voted to allow nonresident in-state tuition for active and retired military" shall be considered a resident student).

¹⁶⁶ *E.g.*, GA. CONST. art. 8, §7, ¶ IV (authorizing the Board of Regents of the University System of Georgia "to establish programs allowing attendance at units of the University System of Georgia without payment of tuition or other fees . . ."); MISS. CODE ANN. §37-103-25(3)-(4); WASH. REV. CODE §23B.15.621(2) and (3) (providing that the governing boards of universities and colleges "may waive all or a portion of tuition and fees" for national guard members and eligible veterans); University System of Georgia, *Board of Regents Policy Manual*, available at: <http://www.usg.edu/policymanual/section7/C453/>, §7.3.4.1 (last viewed February 13, 2014) (creating an out-of-state tuition waiver for recently separated members of the military, and their spouses and dependent children, who enroll and show an intent to become a Georgia resident within 12 months of separation from the military); University of Washington, Veterans Center, Division of Student Life, *Tuition Waivers*, available at: <http://www.washington.edu/students/veteran/waiver.shtml> (last viewed February 13, 2014) (giving a waiver of 50 percent of the in-state tuition and fee rate to an honorably discharged veteran, seeking a first baccalaureate degree, for up to 225 college-level credits, who is a "Washington domiciliary," served in a "war or conflict on foreign soil or in international waters[,] or in another location in support of those serving on foreign soil or in international waters," and providing a similar waiver at the graduate and professional level if the individual has not previously received a tuition waiver for veterans from the University of Washington).

¹⁶⁷ 38 U.S.C. §§3001-3035.

¹⁶⁸ 38 U.S.C. §3011(a).

¹⁶⁹ 38 U.S.C. §3011(b)(1) (stating that "the basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under (c)(1) of this section shall be reduced by \$100 for each of the first 12 months that such individual is entitled to such pay").

¹⁷⁰ 38 U.S.C. §3014 (providing that the educational assistance is to help meet the costs of an individual's "subsistence, tuition, fees, supplies, books, equipment, and other educational costs" and that the maximum duration of benefits is 36 months); USDVA, The Montgomery GI Bill, available at: http://www.benefits.va.gov/gibill/montgomery_bill.asp (last viewed February 13, 2014).

¹⁷¹ 38 U.S.C. §3011(a)(1) (outlining the minimum service obligations depending upon when an individual began active duty).

- **Montgomery GI Bill – Selected Reserve Educational Assistance Program (MGIB-SR)**¹⁷²
 - The MGIB-SR provides educational assistance to members of the reserve components of the Armed Forces. Reservists must be actively drilling and have a 6-year obligation in the reserves to be eligible.¹⁷³
- **Educational Assistance Survivors' and Dependents' Program (DEA)**¹⁷⁴
 - DEA is a monetary educational benefit payable to eligible dependents and survivors of certain veterans.¹⁷⁵
- **Veterans Educational Assistance Program (VEAP)**¹⁷⁶
 - VEAP is an education benefit for veterans who entered service for the first time between December 31, 1976 and July 1, 1985. Although there are still some veterans who use this program, it ended for new enrollees June 30, 1985.¹⁷⁷
- **Reserve Educational Assistance Program (REAP)**¹⁷⁸
 - REAP provides educational assistance to National Guard members and reservists who are called to active duty in response to a war, national emergency, or contingency operation as declared by the President or Congress on or after September 11, 2001.¹⁷⁹
- **Post-9/11 GI Bill Program**¹⁸⁰
 - The Post-9/11 GI Bill is the newest educational assistance program that provides financial support for education and housing to individuals with at least 90 days of aggregate service on or after September 11, 2001,¹⁸¹ or individuals discharged with a service-connected disability after 30 continuous days of active duty service.¹⁸²
 - Individuals may be eligible for up to 36 months of education benefits and eligibility generally expires 15 years from the date of the last discharge or release from active duty service.¹⁸³
 - The Post-9/11 GI Bill provides beneficiaries the cost of tuition and fees, not to exceed the most expensive in-state undergraduate tuition at a public higher education institution in the state in which the individual is attending school.¹⁸⁴

¹⁷² 10 U.S.C. §§16131-16136.

¹⁷³ 10 U.S.C. §§16131(a), 16132(a); Department of Veterans Affairs, The Montgomery GI Bill-Selected Reserve, available at: http://www.benefits.va.gov/gibill/montgomery_bill.asp (last viewed February 13, 2014).

¹⁷⁴ 38 U.S.C. §§3500-3566.

¹⁷⁵ 38 U.S.C. §3501(a)(1) (defining an "eligible person" as: the child of an individual who died or has a permanent and total disability as a result of service; the spouse of an individual who died due to service-related disability; the spouse or child of an individual who, for 90 days, is missing in action, captured, or forcibly detained in the line of duty, or who is receiving certain medical care and may be released or discharged due to a service-related disability); USDVA, Dependents' Educational Assistance Program (DEA), available at: http://www.benefits.va.gov/gibill/survivor_dependent_assistance.asp (last viewed February 13, 2014).

¹⁷⁶ 38 U.S.C. §§3201-3243.

¹⁷⁷ 38 U.S.C. §§3201, 3202(1)(A).

¹⁷⁸ 10 U.S.C. §§16161-16166.

¹⁷⁹ 10 U.S.C. §16163(a).

¹⁸⁰ 38 U.S.C. §§3301-3325.

¹⁸¹ 38 U.S.C. §3311(b)(8).

¹⁸² 38 U.S.C. §3311(b)(2)(B). The Post-9/11 GI Bill, which became effective on August 1, 2009, provides the most comprehensive set of education benefits since the original GI Bill of 1944. USDVA Veterans Benefits Administration, *Annual Benefits Report: Fiscal Year 2011*, available at: http://www.vba.va.gov/REPORTS/abr/2011_abr.pdf, 37 (last viewed February 13, 2014). It is also the most widely utilized of all USDVA education programs. See page 40 of the annual report, which provides programmatic statistics from 2007-2011 and demonstrates that the Post-9/11 GI Bill program had more beneficiaries than any other program in 2010 and 2011.

¹⁸³ 38 U.S.C. §3321(a).

¹⁸⁴ USDVA, *Yellow Ribbon Program*, available at: http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last viewed February 13, 2014). The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies. Post-9/11 GI Bill benefits are allowed to be used for approved training, which includes: graduate and undergraduate degrees, non-college degree

- An individual is eligible for a fixed percentage of the payments authorized under the Post-9/11 GI Bill based on an individual's amount of creditable active duty service since September 11, 2001.¹⁸⁵
- **Yellow Ribbon GI Education Enhancement Program (Yellow Ribbon Program)**
 - The Yellow Ribbon Program was created within the Post-9/11 GI Bill program as a means to partially or fully fund tuition and fee expenses that exceed the established thresholds under the Post-9/11 GI Bill.¹⁸⁶
 - Participation in the Yellow Ribbon Program is limited to veterans entitled to the maximum Post-9/11 GI Bill benefit rate (based on service requirements) or their designated transferees.¹⁸⁷
 - Both public and private colleges and universities are able to voluntarily participate in the Yellow Ribbon Program through an agreement with the USDVA.¹⁸⁸
 - The USDVA will match an institution's contributions, not to exceed 50 percent of the difference.¹⁸⁹
 - Currently, two FCS institutions and four State University System institutions are listed as Yellow Ribbon Program participants.¹⁹⁰

According to the USDVA, for fiscal year 2012,¹⁹¹ the state of Florida had the third highest number of USDVA education beneficiaries (using one or more of the federal education assistance programs described above) in the nation with 62,911 beneficiaries, behind Texas (71,331) and California (83,574).¹⁹² The number of USDVA education program beneficiaries in Florida has steadily increased since fiscal year 2000 (see Figure One below).¹⁹³ Total USDVA education program payments to Florida beneficiaries for fiscal year 2012 was \$702,492,751.¹⁹⁴

programs for vocational and technical training, apprenticeship and on-the-job training, flight training, correspondence training, certification and licensing, national testing programs, entrepreneurship training, and a tutorial assistance program.

¹⁸⁵ 38 U.S.C. §3313(c)(1)-(7); USDVA, Post 9/11 GI Bill, available at: http://www.benefits.va.gov/gibill/post911_gibill.asp (last viewed February 13, 2014).

¹⁸⁶ 38 U.S.C. §3317(a) (defining the purpose of the Yellow Ribbon GI Educational Enhancement Program as a means of covering a portion of the expenses not covered by 38 U.S.C. §3313).

¹⁸⁷ USDVA, Educational Programs Home, available at: http://www.benefits.va.gov/gibill/education_programs.asp (last viewed February 13, 2014). Veterans entitled to less than the maximum benefit rate and active duty servicemembers and their spouses are not eligible for this program.

¹⁸⁸ 38 U.S.C. §3317(a), (c); see USDVA, Yellow Ribbon Program Information 2012-2013 School Year, available at: http://www.benefits.va.gov/gibill/yellow_ribbon/yrp_list_2012.asp (select "Florida" in the state list) (last viewed February 13, 2014)

¹⁸⁹ 38 U.S.C. §3317(d)(1).

¹⁹⁰ USDVA, Florida State Yellow Ribbon Program Information 2013-2014, available at:

http://www.benefits.va.gov/gibill/yellow_ribbon.asp (last viewed February 13, 2014). The FCS institutions listed as participants are: the State College of Florida, Manatee-Sarasota (providing \$4,320.00 per student per year for a maximum of 20 students) and Gulf Coast State College, which is currently noted as providing \$0.00 per student per year for zero students. The SUS institutions listed as participants are: Florida State University (providing an unlimited amount per student per year for an unlimited amount of students); University of Central Florida (providing \$6,000.00 per student per year for 30 undergraduate students; \$6,800.00 per student per year for 10 graduate students; and \$20,000 per student per year for 10 medical students); University of South Florida (providing \$6,000.00 per student per year for 24 undergraduate students; \$6,500.00 per student per year for 10 masters students; and \$2,100.00 per student per year for 4 medicine students); and University of West Florida (providing an unlimited amount per student per year for 250 students from all degree levels).

¹⁹¹ Fiscal year 2012 is the most recent year for which data are currently available regarding the number of USDVA education beneficiaries. USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012*, available at: <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012") (last viewed February 13, 2014).

¹⁹² USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012*, available at: <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012") (last viewed February 13, 2014).

¹⁹³ Id.

¹⁹⁴ Per email correspondence with the National Center for Veterans Analysis and Statistics, September 23, 2013, on file with Senate Committee on Education.

Figure One USDVA Education Beneficiaries in Florida	
Fiscal Year	Total Florida Beneficiaries
2000	25,556
2001	26,598
2002	28,394
2003	29,551
2004	31,815
2005	31,791
2006	32,193
2007	33,963
2008	36,088
2009	36,394
2010	59,519
2011	68,133
2012	62,911

During fiscal year 2012, there were 42,607 Post-9/11 GI Bill beneficiaries in Florida.¹⁹⁵ The Post-9/11 GI Bill only covers the highest in-state undergraduate tuition,¹⁹⁶ therefore, a non-resident veteran would be responsible for the total costs that exceed the in-state tuition amount, unless the veteran attends an institution that voluntarily participates in the Yellow Ribbon Program.

Effect of Proposed Changes

Currently, non-residents, including non-resident veterans, must meet the residency requirements of s. 1009.21, F.S., to be charged in-state tuition. Without a specifically authorized fee exemption or waiver, non-resident students pay out-of-state fees in addition to the basic tuition fee rates.

The bill amends s. 1009.26, F.S., to create the "Congressman C.W. Bill Young Veteran Tuition Waiver Act" and to provide a mandatory out-of-state fee waiver for honorably discharged veterans of the U.S. Armed Forces, including the National Guard and a reserve component thereof, who reside in the state while enrolled at a state university or Florida College System (FCS) institution. Because it is mandatory, the fee waiver authorized in this bill will not be included for purposes of determining whether a school district providing workforce education programs or an FCS institution has reached the limitation set in Florida law.

This provision is anticipated to have a negative fiscal impact on Florida colleges and universities of \$11.5 million.

Florida Armory Revitalization Program (Section 20)

Current Situation

The Florida Armory Revitalization Program (FARP) provides a bridge of state funding to keep armories safe and serviceable, while waiting for adequate levels of Military Construction (MILCON) funding from

¹⁹⁵ USDVA, Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012, available at: <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2012") (last viewed February 13, 2014).

¹⁹⁶ USDVA, Yellow Ribbon Program, available at: http://www.benefits.va.gov/gibill/yellow_ribbon.asp (last viewed February 13, 2014).

the federal government to either replace or fully renovate a facility.¹⁹⁷ Some of Florida's armories have not been modernized since the mid-1960s and 1970s.¹⁹⁸ Many current armories are located in flood zones or storm surge areas, which affect the ability to respond locally to disasters.¹⁹⁹ According to the Department of Military Affairs (FDMA), continuing to fund FARP is critical to the Florida National Guard's ability to sustain Florida's armories.²⁰⁰

Currently, 37 out of 51 of Florida's armories have been renovated through FARP.²⁰¹ According to the FDMA's Legislative Budget Request for the 2014 Legislative Session, maintaining and repairing the remaining armories is the FDMA's number one legislative priority.²⁰²

Effect of Proposed Changes

The bill appropriates \$12.5 million in nonrecurring General Revenue funds to the Florida Department of Military Affairs for armory maintenance and renovation through the Florida Armory Revitalization Program.

Military Base Protection Program (Section 21)

Current Situation

Generally, encroachment is a term used by the U.S. Department of Defense to refer to incompatible uses of land, air, water, and other resources in close proximity to a military installation.²⁰³ The Florida Legislature has found that encroachment of military installations has been identified by local, state, and federal leaders as a critical threat to protecting, preserving, and enhancing military installations in the state, and can be detrimental to the current and future missions of military installations due to the incompatible use of adjacent land.²⁰⁴ As such, the Florida Legislature has recognized the unique need to secure lands that have no conservation value, but may present an encroachment threat to a military installation.²⁰⁵ This recognition has come, in part, through the passage of legislation.

Prior to the 2013 Legislative Session, the Military Base Protection Program (MBPP), within the Department of Economic Opportunity, was authorized to use funds to address emergent needs related to mission sustainment and base retention. However, the MBPP was not specifically authorized to use funds to address encroachment reduction or prevention.

During the 2013 Legislative Session, the Florida Legislature passed SB 1784 to modify the Military Base Protection Program to specifically address problems related to encroachment of military installations.²⁰⁶ Specifically, the MBPP was given the authority to use funds appropriated to it by the Florida Legislature to address encroachment reduction or prevention through the acquisition of nonconservation lands.²⁰⁷

¹⁹⁷ FDMA, Adjutant General's Annual Report for the 2012 Fiscal Year.

¹⁹⁸ Id.

¹⁹⁹ Id.

²⁰⁰ Id.

²⁰¹ FDMA, FY 2014-2015 Budget Request.

²⁰² Id.

²⁰³ The National Conference of State Legislatures, *Minimizing Encroachment and Incompatible Land Use Near Military Installations*, January 2013, available at: <http://www.ncsl.org/research/military-and-veterans-affairs/minimize-encroachment-on-military-installations.aspx> (last viewed February 4, 2014).

²⁰⁴ s. 288.980(1)(c), F.S.

²⁰⁵ s. 288.980(1)(c), F.S.

²⁰⁶ ch. 2013-222, L.O.F.

²⁰⁷ ch. 2013-222, L.O.F.

The Department of Economic Opportunity (DEO) is granted the authority to annually submit a list to the Board of Trustees of the Internal Improvement Trust Fund²⁰⁸ of nonconservation lands which they recommend should be acquired, subject to a specific appropriation, through fee simple purchase (absolute ownership) or through perpetual, less-than-fee interest purchase (easements or development rights²⁰⁹), for the purpose of buffering a military installation against encroachment.²¹⁰ The Board of Trustees of the Internal Improvement Trust Fund shall consider the recommendations of the Florida Defense Support Task Force²¹¹ when selecting nonconservation lands to purchase for the purpose of securing and protecting a military installation against encroachment.²¹²

For the current year, the DEO has identified the following three properties as its Tier 1, or highest priority, nonconservation lands and has recommended that the Florida Legislature appropriate funds to secure their acquisition.²¹³

Installation	Size	Approximate Appraisal	Existing Funding	Funding Needed
NSA Panama City	8.4 acres	\$ 2,900,000	\$ 500,000	\$ 2,400,000
NS Mayport	11 acres	\$ 3,500,000	\$ 2,000,000	\$ 1,500,000
MacDill AFB	25.5 acres	\$ 4,900,000	\$ 0	\$ 4,900,000
Total				\$ 8,800,000

The Florida Defense Support Task Force supports the acquisition of the above identified nonconservation properties to protect Florida's military installations.²¹⁴

Effect of Proposed Changes

For the 2014-2015 fiscal year, \$8.8 million in nonrecurring General Revenue funds is appropriated to the Military Base Protection Program within the Department of Economic Opportunity to allow the Board of Trustees of the Internal Improvement Trust Fund to acquire, pursuant to s. 288.980, F.S., nonconservation land adjacent to the following military installations for the purpose of securing and protecting the installation against encroachment:

Installation	Nonrecurring Appropriation
NSA Panama City	\$ 2,400,000
NS Mayport	\$ 1,500,000
MacDill AFB	\$ 4,900,000

Effective Date (Section 22)

The bill is effective July 1, 2014.

B. SECTION DIRECTORY:

Section 1: Amends s. 250.10, F.S., to revise participation requirements for the Educational Dollars for Duty program.

²⁰⁸ The Board of Trustees of the Internal Improvement Trust Fund (Board) is vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may inure to the state or any of its agencies, departments, boards, or commissions, with certain exceptions. See s. 253.03(1), F.S.

²⁰⁹ The National Conference of State Legislatures, Military Installation Sustainability, June, 2010, available at:

<http://www.ncsl.org/research/military-and-veterans-affairs/military-installation-sustainability.aspx> (last viewed February 4, 2014).

²¹⁰ s. 288.980(2)(b), F.S.

²¹¹ s. 288.987, F.S.

²¹² s. 288.980(2)(b), F.S.

²¹³ Department of Economic Opportunity, Figures as of October 10, 2013, on file with the Veteran & Military Affairs Subcommittee.

²¹⁴ Florida Defense Support Task Force, 2014 Annual Report.

Section 2: Provides \$250,000 in nonrecurring funds for information technology upgrades to accommodate the Educational Dollars for Duty Program.

Section 3: Amends s. 250.35, F.S., to update references with respect to courts-martial.

Section 4: Creates s. 265.004, F.S., to create the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden.

Section 5: Amends s. 295.065, F.S., to revise and provide governmental employment preference for certain persons.

Section 6: Amends s. 295.07, F.S., to revise and provide governmental employment preference for certain persons.

Section 7: Amends s. 295.08, F.S., to revise and provide governmental employment preference for certain persons.

Section 8: Amends s. 295.085, F.S., to revise and provide governmental employment preference for certain persons.

Section 9: Amends s. 296.06, F.S., to revise the eligibility requirements for residency in the Florida State Veterans' Domiciliary Home.

Section 10: Amends s. 296.36, F.S., to revise the eligibility requirements for residency in a state veterans' nursing home.

Section 11: Amends s. 322.031, F.S., to extend the current law driver license exemption to the servicemember's spouse, and dependents that reside with the servicemember.

Section 12: Amends s. 322.121, F.S., to extend the automatic license extension provision to a servicemember's spouse, and dependents that reside with the servicemember.

Section 13: Amends s. 455.213, F.S., to extend the application deadline for military veterans to have certain fees waived by the Department of Business and Professional Regulation and waiving such fees for the spouses of veterans.

Section 14: Amends ss. 458.315, F.S., to remove the current language related to military and veteran physicians that is contained in s. 458.315 and places the language in the newly created s. 458.3151.

Section 15: Creates s. 458.3151, F.S., to streamline the application process for military and veteran physicians wishing to obtain a temporary certificate to practice in an area of critical need.

Section 16: Amends s. 459.0076, F.S., to remove the current language related to military and veteran osteopathic physicians that is contained in s. 459.0076 and places the language in the newly created s. 459.00761.

Section 17: Creates s. 459.00761, F.S., to streamline the application process for military and veteran osteopathic physicians wishing to obtain a temporary certificate to practice in an area of critical need.

Section 18: Amends s. 499.012, F.S., to provide that specified military service meets certain DBPR licensure requirements.

Section 19: Amends s. 1009.26, F.S., to direct state universities and Florida College System institutions to waive certain fees for veterans.

Section 20: Provides \$12.5 million in nonrecurring funds to the Department of Military Affairs to continue renovations to state readiness centers .

Section 21: Provides \$8.8 million in nonrecurring funds to the Department of Economic Opportunity's Military Base Protection program for land acquisition for the purpose of protecting bases against encroachment.

Section 22: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

Section 1 revises the Florida National Guard's Educational Dollars for Duty program. The bill appropriates \$5 million in recurring General Revenue to fund the tuition and fees for all deployed FNG members (on or after October 31, 2013). This appropriation represents a projection of annual costs for all deployed FNG members. As of October 31, 2013, 586 FNG members were deployed.

Section 2 appropriates \$250,000 in nonrecurring General Revenue to the Florida Department of Military Affairs for information technology upgrades necessary to administer and audit the EDD program.

Sections 5-8 revise Florida's veterans' preference in employment statutes. Between 2007 and 2010, the FDVA received an average of approximately 136 complaints per year from veterans alleging that a government employer violated the veterans' employment preference requirements. However, the average increased to 925 complaints per year between 2011 and 2013, primarily due to increased awareness of the complaint process. Allowing a broader field of persons to claim veterans' preference may result in an increase in the number of complaints; however, the frequency and cost of potential future complaints is indeterminate. According to the FDVA, any additional complaints will be processed by the full-time employee currently assigned to the program. It should also be noted that s. 295.11, F.S., requires the FDVA to conduct all investigations within existing amounts appropriated to the FDVA.

If the number of complaints increases as a result of the proposed changes, PERC may also experience an increase in the number of complaints it must investigate and adjudicate. The frequency and cost of

potential future complaints is indeterminate.

Sections 9 and 10 revise the residency requirements for admission to the Florida State Veterans' Domiciliary Home and the state veterans' nursing homes. The FDVA states that fulfilling the vacant beds in the SVDH and SVNHs would not increase the cost of operating such facilities.²¹⁵

Sections 11 and 12 extend a current law driver license exemption and current law driver license extension to include the servicemember's spouse, and dependents who reside with him or her. The DHSMV anticipates an insignificant reduction in General Revenue as a result of this bill. The Revenue Estimating Conference met on January 31, 2014, and projected a negative indeterminate cost impact on this provision.

Section 13 revises the Florida Department of Business and Professional Regulation licensure fee waiver program for veterans. The fiscal impact is indeterminate. Since October 1, 2012 (the effective date of Ch. 2012-72, L.O.F.), the department has received requests from military veterans for waivers of 113 initial applications and 21 initial licenses; of these applications and licenses, nine (9) applications and three (3) licenses were for professions requiring more than 24 months of education and/or experience to qualify for licensure. The total amount of fees waived was \$17,867.50 (\$13,810.50 initial applications, \$3,952.00 initial licenses and \$105.00 unlicensed activity fee).

The department anticipates future requests for fee waivers to be consistent with past requests. Given the low number of waivers from past applicants and licensees for professions requiring greater than 24 months of qualification education and/or experience, the department is unable to accurately estimate the fiscal impact of extending the waiver period from 24 months to 60 months. However, the department does not anticipate a significant increase in waiver requests due to the provisions of this bill.

Sections 14 through 17 amend the requirements for medical doctors and osteopathic physicians who are seeking a temporary certificate to practice in an area of critical need (ACN) permitting licensure to any person who has a license in another jurisdiction; reduces the amount of time the boards can approve or deny the application from 60 to 10 days; requires the boards to create a simplified application which does not request information from the applicant that is accessible through the Department's licensing database or information that was already required for licensure in another jurisdiction; creates a new section in Chapters 458 and 459, Florida Statutes which is specifically for physicians who are active duty military or veterans seeking employment in an area of critical need only making this option available to active duty military and veterans that served at least 10 years and who were honorably discharged and who have an active license in another jurisdiction. There is no application fee for physicians seeking this certificate. This certificate is limited to physicians who will not receive compensation for their service.

The Division of Medical Quality Assurance may experience a decrease in revenue due to the waiver of fees for honorably discharged veterans and active military that apply for licensure. Section 456.013(13), F.S., currently waives the initial licensure fees for honorably discharged veterans who apply for licensure within 24 months after discharge, therefore the reduction in revenue would only apply for veterans who apply after 24 months from discharge and active military. In Fiscal Year 2012-13 there were 61 applications received for ACN. It is unknown how many of the 61 applications were active military or veterans; therefore, the impact cannot be determined, however it is anticipated that the impact will be minimal and can be absorbed within current agency resources. The department will also incur nonrecurring cost for rulemaking which can also be absorbed within current agency resources.

Section 19 waives the out-of-state fee and tuition charges for honorably discharged veterans attending a higher education institution within the Florida College System or the State University System of

Florida. Consistent with a similar fee waiver provision for recipients of a Purple Heart or another combat decoration superior in precedence, the fee waiver authorized by the bill covers 110 percent of the credit hours needed to complete the degree or certificate program in which the veteran is enrolled. State universities and FCS institutions must report to the Board of Governors and the State Board of Education, respectively, the number and value of all fee waivers granted annually under the Congressman C.W. Bill Young Veteran Tuition Waiver Act.

Student veterans who would qualify for the out-of-state fee and tuition waiver would be exempt from paying the out-of-state fee resulting in a significant savings to the student veteran each semester. However, Florida colleges and universities will experience a significant loss in tuition and fee revenue. Using 2012-13 enrollment information based on each veteran student taking 30 credit hours, the total estimated annual unrealized tuition revenue as a result of the bill for the Florida College System is \$3,328,872 which is approximately 0.38 percent of the total tuition and fees collected by Florida colleges. Using the same methodology to determine the impact, the estimated annual unrealized tuition revenue as a result of the bill for the State University System is \$8,196,185 which is approximately 0.46 percent of the total tuition and fees collected by state universities.

Using enrollment figures for academic year 2012-13, it can be estimated that Florida colleges would forego the following in tuition revenues:

Average 2013-14 undergraduate tuition and fees for two semesters (30 hours):

\$11,455	Non-resident undergraduate tuition and fees
- <u>\$ 3,091</u>	Resident undergraduate tuition and fees
\$ 8,364	Incremental charge for non-residents
<u>x 398</u>	Non-resident undergraduate and unclassified veteran students
= \$3,328,872	Tuition revenues not collected as a result of the bill

Using enrollment figures for academic year 2012-13, it can be estimated that the state universities would forego the following in tuition revenues:

Average 2013-14 undergraduate tuition and fees for two semesters (30 hours):

\$21,434	Non-resident undergraduate tuition and fees
- <u>\$ 6,155</u>	Resident undergraduate tuition and fees
\$15,279	Incremental charge for non-residents
<u>x 331</u>	Non-resident undergraduate and unclassified veteran students
= \$5,057,349	Undergraduate tuition revenues not collected as a result of the bill

Average 2013-14 graduate-level tuition and fees for two semesters (24 hours):

\$25,138	Non-resident graduate tuition and fees
- <u>\$10,262</u>	Resident graduate tuition and fees
\$14,876	Incremental charge for non-residents
<u>x 211</u>	Non-resident graduate-level veteran students
= \$3,138,836	Graduate tuition revenues not collected as a result of the bill

Section 20 appropriates \$12.5 million in nonrecurring General Revenue to the Department of Military Affairs for armory maintenance and renovation through the Florida Armory Revitalization Program.

Sections 21 appropriates \$8.8 million in nonrecurring General Revenue to the Department of Economic Opportunity's Military Base Protection Program to acquire land near MacDill Air Force Base, Naval Support Panama City, and Naval Station Mayport for the purpose of protecting the installations against encroachment.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

RULE-MAKING AUTHORITY:

Section 1 requires the Adjutant General to adopt rules that include, but are not limited to, providing a framework for approving online courses, courses that are a part of the Complete Florida Degree Program, courses leading to a degree offered by a Florida College System institution as part of the Governor's \$10,000 Degree Challenge. The bill also requires the Adjutant General to adopt rules that include procedures to facilitate the award of academic credit for college-level training and education acquired in the military.

B. DRAFTING ISSUES OR OTHER COMMENTS:

Sections 9 and 10 revise the residency requirements for admission to the Florida State Veterans' Domiciliary Home and the state veterans' nursing homes. The VA pays a per-diem for the residents and pays for all the care for those veterans with a service-connected disability rating from 70%-100%. If the FDVA could admit these new residents into our veteran's nursing homes, the FDVA predicts a savings to the state due to their eligibility to have the USDVA pay for their care.²¹⁶

Sections 11 and 12 extend a current law driver license exemption and current law driver license extension to include the servicemember's spouse, and dependents who reside with him or her. As currently written, the bill is unclear whether the spouse and dependents must reside with the servicemember, or whether only the dependents must reside with the servicemember.

In order to provide identification for voter registration, the voter registration applicant must provide either a valid Florida driver's license number or a valid Florida identification card number. However, if the applicant was not issued a Florida driver license or identification card, the applicant must provide the last four digits of his or her social security number. Thus, the spouse or dependent of a military servicemember who does not have a Florida driver license may still register to vote in Florida.

Section 13 revises the Florida Department of Business and Professional Regulation licensure fee waiver program for veterans. There have been approximately 120 fee waivers in the Division of Professions since HB 887 was implemented in July 2012. There will be no impact to the Customer Contact Center of the Division of Service Operations. The Bureau of Central Intake and Licensure will require an update on form DBPR MVL 002 to change the two references from 24 months to 60 months. No additional resources will be needed.

IV. AMENDMENTS / COMMITTEE SUBSTITUTE CHANGES

On Monday, January 13, 2014, the Veteran & Military Affairs Subcommittee adopted several amendments to PCB VMAS 14-01. These amendments revised PCB VMAS 14-01 in the following ways:

- extended a current law driver license exemption and current law driver license extension to the spouse and dependent child of a military servicemember who reside with him or her;

²¹⁶ See FDVA White Paper and OPPAGA Justification Review, Report No. 01-63, December 2001.

- revised the Florida Department of Health application requirements for a temporary certificate for practice in areas of critical need;
- clarified the Educational Dollars for Duty grade verification procedure applies to each student participating in the EDD program;
- required the Adjutant General to adopt procedures to facilitate the award of academic credit for college-level training and education acquired in the military; and
- clarified that the waiver of out-of-state tuition and fees applies to veterans of the United States Reserve Forces in addition to veterans of the United States Armed Forces and veterans of the National Guard.

On Tuesday, February 4, 2014, the Appropriations Committee adopted three amendments to House Bill 7015. These amendments revised House Bill 7015 in the following ways:

- revised the recurring General Revenue appropriation for the Educational Dollars for Duty program from \$14.5 million to \$5 million; revised the nonrecurring General Revenue appropriation for IT expenses to administer the EDD program from \$1 million to \$250,000;
- appropriated \$12.5 million in nonrecurring General Revenue funds to continue renovations to state readiness centers (armories); and
- appropriated \$8.8 million in nonrecurring General Revenue funds to the Department of Economic Opportunity's Military Base Protection Program to acquire land for protection against encroachment near MacDill Air Force Base, Naval Support Panama City, and Naval Station Mayport.

This bill analysis is written to House Bill 7015 as amended.

1 A bill to be entitled
2 An act relating to military and veteran support;
3 amending s. 250.10, F.S.; revising participation
4 requirements and authorizing certain courses for the
5 Educational Dollars for Duty program; directing the
6 Adjutant General to adopt certain rules; providing
7 appropriations; amending s. 250.35, F.S.; updating
8 references with respect to courts-martial; creating s.
9 265.004, F.S.; establishing the Florida Veterans' Walk
10 of Honor and the Florida Veterans' Memorial Garden;
11 directing the Department of Management Services, in
12 consultation with the direct-support organization of
13 the Department of Veterans' Affairs, to make space
14 available for such purpose; amending ss. 295.065,
15 295.07, 295.08, and 295.085, F.S.; revising and
16 providing governmental employment preference for
17 certain persons; amending ss. 296.06 and 296.36, F.S.;
18 revising the eligibility requirements for residency in
19 the Florida State Veterans' Domiciliary Home and
20 admittance to a state veterans' nursing home; amending
21 s. 322.031, F.S.; providing conditions under which the
22 spouses and dependents of servicemembers are exempt
23 from obtaining or displaying a driver license or
24 learner's permit; amending s. 322.121, F.S.; granting
25 an automatic extension for the expiration of a driver
26 license to the spouse and dependents of

27 | servicemembers; amending s. 455.213, F.S.; extending
 28 | the application deadline for military veterans to have
 29 | certain fees waived by the Department of Business and
 30 | Professional Regulation and waiving such fees for the
 31 | spouses of veterans; amending ss. 458.315 and
 32 | 459.0076, F.S.; revising application requirements and
 33 | procedures for physicians to obtain a temporary
 34 | certificate for practice in areas of critical need;
 35 | creating ss. 458.3151 and 459.00761, F.S.; providing
 36 | application requirements and procedures for active
 37 | duty military and veteran physicians to obtain a
 38 | certificate for practice in areas of critical need;
 39 | amending s. 499.012, F.S.; providing that specified
 40 | military service meets certain permitting
 41 | requirements; amending s. 1009.26, F.S.; directing
 42 | state universities and Florida College System
 43 | institutions to waive certain fees for veterans;
 44 | providing applicability; providing appropriations;
 45 | providing an effective date.

46 |
 47 | Be It Enacted by the Legislature of the State of Florida:

48 |
 49 | Section 1. Subsections (7) and (8) of section 250.10,
 50 | Florida Statutes, are amended, and subsection (9) is added to
 51 | that section, to read:

52 | 250.10 Appointment and duties of the Adjutant General.—

53 (7) The Adjutant General shall develop an education
 54 assistance program for members in good standing of the Florida
 55 National Guard who enroll in an authorized course of study at a
 56 public or nonpublic institution of higher learning in the state
 57 which has been accredited by an accrediting body recognized by
 58 the United States Department of Education or licensed by the
 59 Commission for Independent Education. This program shall be
 60 known as the Educational Dollars for Duty program (EDD).

61 (a) The program shall set forth application requirements,
 62 including, but not limited to, requirements that the applicant:

- 63 1. Be 17 years of age or older.
- 64 2. Be presently domiciled in the state.
- 65 3. Be an active drilling member and in good standing in
 66 the Florida National Guard at the beginning of and throughout
 67 the entire academic term for which benefits are received.
- 68 4. Maintain continuous satisfactory participation in the
 69 Florida National Guard for the ~~any~~ school term for which
 70 exemption benefits are received.
- 71 5. Upon enrollment in the program, complete a memorandum
 72 of agreement to:
 - 73 a. Comply with the rules of the program. ~~and~~
 - 74 b. Serve in the Florida National Guard for the period
 75 specified in the member's enlistment or reenlistment contract.
 - 76 c. Authorize the release of information by the institution
 77 of higher learning to the Department of Military Affairs. An
 78 institution of higher learning that accepts funding from the

79 program shall provide course enrollment, course withdrawal,
 80 course cancellation, course completion or failure, and grade
 81 verification for each student to the education service office of
 82 the Department of Military Affairs.

83 (b) The program shall define those members of the Florida
 84 National Guard who are ineligible to participate in the program
 85 and those courses of study which are not authorized for the
 86 program.

87 1. Ineligible members include, but are not limited to, a
 88 ~~any~~ member, commissioned officer, warrant officer, or enlisted
 89 person who has obtained a master's degree using the program.

90 2. Courses not authorized include noncredit courses,
 91 courses that do not meet degree requirements, courses that do
 92 not meet requirements for completion of career training, or
 93 other courses as determined by program definitions.

94 3. Developmental education courses are authorized for the
 95 program.

96 (c) The Adjutant General shall adopt rules for the overall
 97 policy, guidance, administration, implementation, and proper use
 98 of the program. Such rules must include, but not be limited to:7

99 1. Guidelines for certification by the Adjutant General of
 100 a guard member's eligibility.7

101 2. Guidelines for approving courses of study that are
 102 authorized for the program, including online courses, courses
 103 that are part of the Complete Florida Degree Program under s.
 104 1006.735, and courses leading to a degree offered by a Florida

105 College System institution as part of a program to offer
 106 baccalaureate degrees which cost a student no more than \$10,000.

107 3. Procedures for notification to an institution of a
 108 guard member's termination of eligibility. ~~and~~

109 4. Procedures for restitution when a guard member fails to
 110 comply with the penalties described in this section.

111 5. Procedures to facilitate the award of academic credit,
 112 pursuant to s. 1004.096, for college-level training and
 113 education acquired in the military.

114

115 In developing these rules, the Adjutant General may work with
 116 the University of Florida Institute for Online Learning to
 117 establish guidelines for eligibility for University of Florida
 118 online baccalaureate degree programs.

119 (8) Subject to appropriations, the Department of Military
 120 Affairs may pay the full cost of tuition and fees for required
 121 courses for current members of the Florida National Guard.
 122 Members are eligible to use the program upon enlistment in the
 123 Florida National Guard. If a member is enrolled in a nonpublic
 124 postsecondary education institution or a nonpublic vocational-
 125 technical program, the Department of Military Affairs shall pay
 126 an amount equal to the amount that would be required to pay for
 127 the average tuition and fees at a public postsecondary education
 128 institution or public vocational-technical program.

129 (a) The Department of Military Affairs may, at the
 130 discretion of the Adjutant General, reimburse student textbook

131 | and instructional material costs and fees in accordance with
 132 | limits set each fiscal year based on funding availability.

133 | ~~(b)(a)~~ A member may participate in the program if he or
 134 | she maintains satisfactory participation in, and is an active
 135 | drilling member of, the Florida National Guard. Inactive members
 136 | of the Florida National Guard and members of the Individual
 137 | Ready Reserve (IRR) are not eligible to participate in the
 138 | program.

139 | ~~(c)(b)~~ Penalties for noncompliance with program
 140 | requirements include, but are not limited to, the following:

141 | 1. If a member of the Florida National Guard receives
 142 | payment of tuition and fees for an ~~any~~ academic term and fails
 143 | to maintain satisfactory participation in the Florida National
 144 | Guard during that academic term, the member shall reimburse the
 145 | Department of Military Affairs all tuition charges and student
 146 | fees for the academic term for which the member received
 147 | payment.

148 | 2. If a member of the Florida National Guard leaves the
 149 | Florida National Guard during the period specified in the
 150 | member's enlistment or reenlistment contract, the member shall
 151 | reimburse the Department of Military Affairs all tuition charges
 152 | and student fees for which the member received payments,
 153 | regardless of whether the obligation to reimburse the department
 154 | was incurred before, on, or after July 1, 2009, unless the
 155 | Adjutant General finds that there are justifiable extenuating
 156 | circumstances.

157 3. If the service of a member of the Florida National
 158 Guard is terminated or the member is placed on scholastic
 159 probation while receiving payments, the member shall reimburse
 160 the Department of Military Affairs all tuition charges and
 161 student fees for the academic term for which the member received
 162 payment.

163 4. If a member defaults on any reimbursement made under
 164 this paragraph, the department may charge the member the maximum
 165 interest rate authorized by law.

166 (9) (a) Beginning in the 2014-2015 fiscal year, the sum of
 167 \$5 million in recurring funds is appropriated from the General
 168 Revenue Fund to the Department of Military Affairs to pay the
 169 full tuition and fees, not to exceed the in-state rate at the
 170 applicable state university or Florida College System
 171 institution, for members of the Florida National Guard deployed
 172 on or after October 31, 2013. Funds appropriated pursuant to
 173 this paragraph may be used to reimburse student textbook and
 174 instructional material costs and fees after tuition and fees for
 175 all eligible members are paid for that fiscal year.

176 (b) A member who is eligible for funds under paragraph (a)
 177 and who elects to benefit from the funds must:

178 1. Enroll in a classroom-based or online baccalaureate
 179 degree program at a state university or Florida College System
 180 institution within 1 year after the end of his or her
 181 deployment.

182 2. Meet the eligibility criteria and application

183 requirements of the Educational Dollars for Duty program.

184 Section 2. For the 2014-2015 fiscal year, the sum of
 185 \$250,000 in nonrecurring funds is appropriated from the General
 186 Revenue Fund to the Department of Military Affairs for the
 187 purpose of information technology upgrades to accommodate
 188 administering and auditing the Educational Dollars for Duty
 189 program.

190 Section 3. Subsections (1) and (2) of section 250.35,
 191 Florida Statutes, are amended to read:

192 250.35 Courts-martial.—

193 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.
 194 ss. 801 et seq., and the Manual for Courts-Martial (2012 ~~2008~~
 195 Edition) are adopted for use by the Florida National Guard,
 196 except as otherwise provided by this chapter.

197 (2) Courts-martial may try a ~~any~~ member of the Florida
 198 National Guard for any crime or offense made punishable by the
 199 Uniform Code of Military Justice (2012 ~~2008~~ Edition), except
 200 that a commissioned officer, warrant officer, or cadet may not
 201 be tried by summary courts-martial.

202 Section 4. Section 265.004, Florida Statutes, is created
 203 to read:

204 265.004 Florida Veterans' Walk of Honor and Florida
 205 Veterans' Memorial Garden.—

206 (1) To recognize and honor those military veterans who
 207 have made significant contributions to the state through their
 208 service to the United States, the Florida Veterans' Walk of

CS/HB 7015

2014

209 Honor and the Florida Veterans' Memorial Garden are established.

210 (2) The Florida Veterans' Walk of Honor and the Florida
 211 Veterans' Memorial Garden shall be administered by the direct-
 212 support organization of the Department of Veterans' Affairs
 213 without funding from the state. However, donations made to the
 214 Florida Veterans' Walk of Honor and the Florida Veterans'
 215 Memorial Garden shall be credited to the direct-support
 216 organization of the Department of Veterans' Affairs and used
 217 solely to support the Florida Veterans' Walk of Honor, the
 218 Florida Veterans' Memorial Garden, and other efforts of the
 219 direct-support organization.

220 (3) The Department of Management Services, in consultation
 221 with the Department of Veterans' Affairs and the direct-support
 222 organization of the Department of Veterans' Affairs, shall make
 223 space available on the Capitol Complex grounds for the
 224 construction of the Florida Veterans' Walk of Honor and the
 225 Florida Veterans' Memorial Garden.

226 Section 5. Section 295.065, Florida Statutes, is amended
 227 to read:

228 295.065 Legislative intent.—It is the intent of the
 229 Legislature to provide preference and priority in the hiring
 230 practices of this state as set forth in this chapter. In all
 231 written job announcements and audio and video advertisements
 232 used by employing agencies of the state and its political
 233 subdivisions, there shall be a notation that certain veterans,
 234 ~~and spouses~~ and family members of veterans, and servicemembers

235 receive preference and priority in employment by the state and
 236 are encouraged to apply for the positions being filled.

237 Section 6. Subsections (1) and (3) of section 295.07,
 238 Florida Statutes, are amended to read:

239 295.07 Preference in appointment and retention.—

240 (1) The state and political subdivisions in the state
 241 shall give preference in appointment and retention in positions
 242 of employment to:

243 (a) Those disabled veterans:

244 1. Who have served on active duty in any branch of the
 245 United States Armed Forces ~~of the United States~~, have received
 246 an ~~been separated therefrom under~~ honorable discharge
 247 ~~conditions~~, and have established the present existence of a
 248 service-connected disability that ~~which~~ is compensable under
 249 public laws administered by the United States ~~U.S.~~ Department of
 250 Veterans ~~Veterans'~~ Affairs; ~~r~~ or

251 2. Who are receiving compensation, disability retirement
 252 benefits, or pension by reason of public laws administered by
 253 the United States ~~U.S.~~ Department of Veterans ~~Veterans'~~ Affairs
 254 and the United States Department of Defense.

255 (b) The spouse of a ~~any~~ person who has a total disability,
 256 permanent in nature, resulting from a service-connected
 257 disability and who, because of this disability, cannot qualify
 258 for employment, and the spouse of a ~~any~~ person missing in
 259 action, captured in line of duty by a hostile force, or forcibly
 260 detained or interned in line of duty by a foreign government or

261 power.

262 (c) A veteran of a ~~any~~ war as defined in s. 1.01(14), who
 263 has. ~~The veteran must have served at least 1 day during a~~
 264 ~~wartime period to be eligible for veterans' preference.~~ Active
 265 duty for training shall not be allowed for eligibility under
 266 this paragraph.

267 (d) The unremarried widow or widower of a veteran who died
 268 of a service-connected disability.

269 (e) The mother, father, legal guardian, or unremarried
 270 widow or widower of a servicemember who died as a result of
 271 military service, as verified by the United States Department of
 272 Defense.

273 (f) A veteran as defined in s. 1.01(14). Active duty for
 274 training shall not be allowed for eligibility under this
 275 paragraph.

276 (g) A current member of any reserve component of the
 277 United States Armed Forces or the Florida National Guard.

278 (2) The Department of Veterans' Affairs shall adopt rules
 279 to ensure that veterans are given special consideration in the
 280 employing agency's selection and retention processes. The rules
 281 must include the award of point values as articulated in s.
 282 295.08, if applicable, or, where point values are not relevant,
 283 must include procedures to ensure that veterans are given
 284 special consideration at each step of the employment selection
 285 process, unless the sponsoring governmental entity is a party to
 286 a collective bargaining agreement, in which case the collective

287 bargaining agreement must comply within 90 days after ~~following~~
 288 ratification of a successor collective bargaining agreement or
 289 extension of an ~~any~~ existing collective bargaining agreement.

290 (3) Preference in employment and retention may be given
 291 only to eligible persons who are described in subsection (1) ~~and~~
 292 ~~who are residents of this state.~~

293 Section 7. Section 295.08, Florida Statutes, is amended to
 294 read:

295 295.08 Positions for which a numerically based selection
 296 process is used.—For positions for which an examination is used
 297 to determine the qualifications for entrance into employment
 298 with the state or political subdivisions in the state, 15 points
 299 shall be added to the earned ratings of a person included under
 300 s. 295.07(1)(a), 10 points shall be added to the earned ratings
 301 of a ~~any~~ person included under s. 295.07(1)(b)-(e) ~~295.07(1)(a)~~
 302 ~~or (b)~~, and 5 points shall be added to the earned rating of a
 303 ~~any~~ person included under s. 295.07(1)(f) and (g) ~~295.07(1)(e)~~
 304 ~~and (d)~~, if the person has obtained a qualifying score on the
 305 examination for the position. The names of persons eligible for
 306 preference shall be entered on an appropriate register or list
 307 in accordance with their respective augmented ratings. However,
 308 except for classes of positions with Federal Government
 309 designations of professional or technician, the names of all
 310 persons qualified to receive a 10-point preference whose
 311 service-connected disabilities have been rated by the United
 312 States Department of Veterans Affairs or its predecessor or the

313 United States Department of Defense to be 30 percent or more
 314 shall be placed at the top of the appropriate register or
 315 employment list, in accordance with their respective augmented
 316 ratings. The respective augmented rating is the examination
 317 score or evaluated score in addition to the applicable veteran's
 318 preference points.

319 Section 8. Section 295.085, Florida Statutes, is amended
 320 to read:

321 295.085 Positions for which a numerically based selection
 322 process is not used.—In all positions in which the appointment
 323 or employment of persons is not subject to a written
 324 examination, with the exception of positions that are exempt
 325 under s. 295.07(4), first preference in appointment, employment,
 326 and retention shall be given by the state and political
 327 subdivisions in the state to persons included under s.
 328 295.07(1)(a) ~~295.07(1)(a) and (b)~~, and second preference shall
 329 be given to persons included under s. 295.07(1)(b)-(g)
 330 ~~295.07(1)(c) and (d)~~ who possess the minimum qualifications
 331 necessary to discharge the duties of the position involved.

332 Section 9. Paragraph (b) of subsection (2) of section
 333 296.06, Florida Statutes, is amended to read:

334 296.06 State policy; eligibility requirements.—

335 (2) To be eligible for residency in the home, a veteran
 336 must:

337 (b) ~~Have been a resident of the state for 1 year~~
 338 ~~immediately preceding application and~~ Be a resident of the state

339 at the time of application.

340 Section 10. Paragraph (b) of subsection (1) of section
341 296.36, Florida Statutes, is amended to read:

342 296.36 Eligibility and priority of admittance.—

343 (1) To be eligible for admittance to the home, the person
344 must be a veteran as provided in s. 1.01(14) or have eligible
345 peacetime service as defined in s. 296.02 and must:

346 (b) Be ~~Have been~~ a resident of the state ~~for 1 year~~
347 ~~immediately preceding,~~ and at the time of application for
348 admission to the home.

349 Section 11. Section 322.031, Florida Statutes, is amended
350 to read:

351 322.031 Nonresident; when license required.—

352 (1) In each ~~every~~ case in which a nonresident, except a
353 nonresident migrant or seasonal farm worker as defined in s.
354 316.003(61), accepts employment or engages in a a ~~any~~ trade,
355 profession, or occupation in this state or enters his or her
356 children to be educated in the public schools of this state,
357 such nonresident shall, within 30 days after beginning ~~the~~
358 ~~commencement~~ of such employment or education, be required to
359 obtain a Florida driver ~~driver's~~ license if such nonresident
360 operates a motor vehicle on the highways of this state. The
361 spouse or dependent child of such nonresident shall also be
362 required to obtain a Florida driver ~~driver's~~ license within that
363 30-day period before ~~prior to~~ operating a motor vehicle on the
364 highways of this state.

365 (2) A member of the United States Armed Forces on active
 366 duty in this state, his or her spouse, or a dependent residing
 367 with him or her, is ~~shall not be~~ required to obtain or display a
 368 Florida driver ~~driver's~~ license if he or she is in possession of
 369 a valid military identification card and either a valid driver
 370 license or learner's permit issued by another state, or a valid
 371 military driving permit. Such a person is not required to obtain
 372 or display a Florida driver license ~~under this section solely~~
 373 because he or she enters his or her children to be educated in
 374 the public schools of this state or because he or she accepts
 375 employment or engages in a trade, profession, or occupation in
 376 this state if he or she has a valid military driving permit or a
 377 valid driver's license issued by another state.

378 (3) A nonresident who is domiciled in another state and
 379 who commutes into this state in order to work is ~~shall not be~~
 380 required to obtain a Florida driver ~~driver's~~ license under this
 381 section solely because he or she has accepted employment or
 382 engages in a ~~any~~ trade, profession, or occupation in this state
 383 if he or she has a valid driver ~~driver's~~ license issued by
 384 another state. A ~~Further, any~~ person who is enrolled as a
 385 student in a college or university and who is a nonresident but
 386 is in this state for a period of up to 6 months engaged in a
 387 work-study program for which academic credits are earned from a
 388 college whose credits or degrees are accepted for credit by at
 389 least three accredited institutions of higher learning, as
 390 defined in s. 1005.02, is ~~shall not be~~ required to obtain a

391 Florida driver ~~driver's~~ license for the duration of the work-
 392 study program if such person has a valid driver ~~driver's~~ license
 393 issued by another state. A ~~Any~~ nonresident who is enrolled as a
 394 full-time student in ~~any~~ such institution of higher learning is
 395 also exempt from the requirement of obtaining a Florida driver
 396 ~~driver's~~ license for the duration of such enrollment.

397 (4) A nonresident who is at least 21 years of age and who
 398 has in his or her immediate possession a valid commercial driver
 399 ~~driver's~~ license issued in substantial compliance with the
 400 Commercial Motor Vehicle Safety Act of 1986 may operate a motor
 401 vehicle of the type permitted by his or her license to be
 402 operated in this state.

403 Section 12. Subsection (5) of section 322.121, Florida
 404 Statutes, is amended to read:

405 322.121 Periodic reexamination of all drivers.—

406 (5) A member ~~Members~~ of the United States Armed Forces,
 407 his or her spouse, or a dependent ~~their dependents~~ residing with
 408 him or her ~~them~~, shall be granted an automatic extension for the
 409 expiration of his or her ~~their~~ Class E license ~~licenses~~ without
 410 reexamination while the member of the United States Armed Forces
 411 is serving on active duty outside this state. This extension is
 412 valid for 90 days after the member of the United States Armed
 413 Forces is either discharged or returns to this state to live.

414 Section 13. Subsection (12) of section 455.213, Florida
 415 Statutes, is amended to read:

416 455.213 General licensing provisions.—

417 (12) The department shall waive the initial licensing fee,
 418 the initial application fee, and the initial unlicensed activity
 419 fee for a military veteran or the spouse of a military veteran
 420 who applies to the department for a license, in a format
 421 prescribed by the department, within 60 24 months after the
 422 veteran is discharged ~~discharge~~ from any branch of the United
 423 States Armed Forces. To qualify for this waiver, the veteran
 424 must have been honorably discharged.

425 Section 14. Section 458.315, Florida Statutes, is amended
 426 to read:

427 458.315 Temporary certificate for practice in areas of
 428 critical need.—

429 ~~(1) A certificate issued pursuant to this section may be~~
 430 ~~eited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~
 431 ~~Certificate for Practice in Areas of Critical Need."~~

432 ~~(2) Any physician who:~~

433 ~~(a) Is licensed to practice in any jurisdiction in the~~
 434 ~~United States and whose license is currently valid; or~~

435 ~~(b) Has served as a physician in the United States Armed~~
 436 ~~Forces for at least 10 years and received an honorable discharge~~
 437 ~~from the military;~~

438
 439 ~~and who pays an application fee of \$300 may be issued a~~
 440 ~~temporary certificate for practice in areas of critical need.~~

441 (1)(3) The board may issue a temporary certificate for
 442 practice in areas of critical need ~~A certificate may be issued~~

443 | to a physician who holds an active and valid license to practice
 444 | in any jurisdiction in the United States, who pays an
 445 | application fee of \$300, and who will:

446 | (a) ~~Will~~ Practice in an area of critical need;

447 | (b) ~~Will~~ Be employed by or practice in a county health
 448 | department; correctional facility; Department of Veterans'
 449 | Affairs clinic; community health center funded by s. 329, s.
 450 | 330, or s. 340 of the United States Public Health Services Act;
 451 | or other agency or institution that is approved by the State
 452 | Surgeon General and provides health care to meet the needs of
 453 | underserved populations in this state; or

454 | (c) ~~Will~~ Practice for a limited time to address critical
 455 | physician-specialty, demographic, or geographic needs for this
 456 | state's physician workforce as determined by the State Surgeon
 457 | General.

458 | ~~(2)(4)~~ The board ~~of Medicine~~ may issue a ~~this~~ temporary
 459 | certificate with the following restrictions:

460 | (a) The State Surgeon General shall determine the areas of
 461 | critical need. Such areas include, but are not limited to,
 462 | health professional shortage areas designated by the United
 463 | States Department of Health and Human Services.

464 | 1. A recipient of a temporary certificate for practice in
 465 | areas of critical need may use the certificate to work for any
 466 | approved entity in any area of critical need or as authorized by
 467 | the State Surgeon General.

468 | 2. The recipient of a temporary certificate for practice

469 in areas of critical need shall, within 30 days after accepting
 470 employment, notify the board of all approved institutions in
 471 which the licensee practices and of all approved institutions
 472 where practice privileges have been denied.

473 (b) ~~The board may administer an abbreviated oral~~
 474 ~~examination to determine the physician's competency, but a~~
 475 ~~written regular examination is not required.~~ Within 10 ~~60~~ days
 476 after receipt of a complete ~~an~~ application for a temporary
 477 certificate, the board shall review the application and:

- 478 1. Issue the temporary certificate;
- 479 2. Deny the temporary certificate; ~~notify the applicant of~~
 480 ~~denial,~~ or
- 481 3. Require ~~notify~~ the applicant ~~that the board recommends~~
 482 to complete additional assessment, training, education, or other
 483 requirements as a condition of certification.

484 (c) If the applicant has not actively practiced during the
 485 prior 3 years and the board determines that the applicant may
 486 lack clinical competency, possess diminished or inadequate
 487 skills, lack necessary medical knowledge, or exhibit patterns of
 488 deficits in clinical decisionmaking, the board may, within 10
 489 days after receipt of a complete application:

- 490 1. Deny the application;
- 491 2. Issue a temporary certificate having reasonable
 492 restrictions that may include, but are not limited to, a
 493 requirement for the applicant to practice under the supervision
 494 of a physician approved by the board; or

495 3. Issue a temporary certificate upon receipt of
 496 documentation confirming that the applicant has met any
 497 reasonable conditions of the board which may include, but are
 498 not limited to, completing continuing education or undergoing an
 499 assessment of skills and training.

500 (d)~~(e)~~ A temporary ~~Any~~ certificate issued under this
 501 section is valid only so long as the State Surgeon General
 502 determines that the reason for which it was issued remains a
 503 critical need to the state. The board ~~of Medicine~~ shall review
 504 each temporary certificateholder at least ~~not less than~~ annually
 505 to ascertain compliance with ~~that~~ the minimum requirements of
 506 the Medical Practice Act and its adopted rules ~~are being~~
 507 ~~complied with~~. If it is determined that such minimum
 508 requirements are not being met, the board shall revoke such
 509 certificate or shall impose restrictions or conditions, or both,
 510 as a condition of continued practice under the certificate.

511 (e)~~(d)~~ The board may not issue a temporary certificate for
 512 practice in areas ~~an area~~ of critical need to a ~~any~~ physician
 513 who is under investigation in any jurisdiction in the United
 514 States for an act that would constitute a violation of this
 515 chapter until such time as the investigation is complete, at
 516 which time the provisions of s. 458.331 apply.

517 (3)~~(5)~~ The application fee and all licensure fees,
 518 including neurological injury compensation assessments, shall be
 519 waived for an applicant ~~those persons~~ obtaining a temporary
 520 certificate to practice in areas of critical need for the

521 | purpose of providing volunteer, uncompensated care for low-
 522 | income residents. The applicant must submit an affidavit from
 523 | the employing agency or institution stating that the physician
 524 | will not receive any compensation for any service involving the
 525 | practice of medicine.

526 | (4) The board shall create a simplified application for a
 527 | temporary certificate for practice in areas of critical need to
 528 | reduce administrative impediments and maximize participation.
 529 | The application may not request redundant information, including
 530 | information:

531 | (a) Accessible through the department's licensing
 532 | database.

533 | (b) Regarding qualifications, including education or
 534 | training, required for the applicant's current license in
 535 | another jurisdiction.

536 | Section 15. Section 458.3151, Florida Statutes, is created
 537 | to read:

538 | 458.3151 Temporary certificate for active duty military
 539 | and veterans practicing in areas of critical need.-

540 | (1) A certificate issued pursuant to this section may be
 541 | cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
 542 | Certificate for Practice in Areas of Critical Need."

543 | (2) The board may issue a temporary certificate to a
 544 | physician who complies with subsection (3) and who will:

545 | (a) Practice in an area of critical need;

546 | (b) Be employed by or practice in a county health

547 department; correctional facility; Department of Veterans'
 548 Affairs clinic; community health center funded by s. 329, s.
 549 330, or s. 340 of the United States Public Health Services Act;
 550 or other agency or institution that is approved by the State
 551 Surgeon General and provides health care to meet the needs of
 552 underserved populations in this state; or

553 (c) Practice for a limited time to address critical
 554 physician-specialty, demographic, or geographic needs for this
 555 state's physician workforce as determined by the State Surgeon
 556 General.

557 (3) To be eligible for a temporary certificate, a
 558 physician must submit to the board:

559 (a) A complete application.

560 (b) Proof of an active and valid license to practice in a
 561 jurisdiction in the United States.

562 (c) An affidavit from the employing agency or institution
 563 stating that the physician will not receive any compensation for
 564 any service involving the practice of medicine.

565 (d) If on active duty, a letter from the physician's
 566 military command authorizing the physician to practice medicine
 567 at an approved entity in an area of critical need.

568 (e) Documentation demonstrating the physician is serving
 569 on active duty in the United States Armed Forces as a
 570 commissioned medical officer or has served as a commissioned
 571 medical officer in the United States Armed Forces for at least
 572 10 years and received an honorable discharge from the military.

573 (4) The board shall use a simplified application for a
 574 temporary certificate for practice in areas of critical need to
 575 reduce administrative impediments and maximize participation.

576 The board may not request redundant information, including
 577 information:

578 (a) Available in the department's licensing database.

579 (b) Regarding qualifications, including education or
 580 training, required for the applicant's current license in
 581 another jurisdiction.

582 (c) Contained in the supporting documentation provided by
 583 the applicant pursuant to paragraphs (3)(a)-(d).

584 (5) The application fee and all licensure fees shall be
 585 waived for a physician obtaining a temporary certificate to
 586 practice in areas of critical need under this section.

587 (6)(a) Within 10 days after receipt of a complete
 588 application for a temporary certificate, the board shall review
 589 the application and associated documentation and:

- 590 1. Issue the temporary certificate;
- 591 2. Deny the temporary certificate; or
- 592 3. Require the applicant to complete additional
 593 assessment, training, education, or other requirements as a
 594 condition of certification. The board shall issue a temporary
 595 certificate upon receipt of documentation demonstrating that the
 596 requirements of the board have been met.

597 (b) If an applicant has not actively practiced medicine
 598 during the prior 3 years and the board determines the applicant

599 may lack clinical competency, possess diminished or inadequate
 600 skills, lack necessary medical knowledge, or exhibit patterns of
 601 deficits in clinical decisionmaking, the board may, within 10
 602 days after receipt of a complete application:

603 1. Deny the application;

604 2. Issue a temporary certificate having reasonable
 605 restrictions, including, but not limited to, a requirement that
 606 the applicant practice under the supervision of a physician
 607 approved by the board; or

608 3. Issue a temporary certificate upon receipt of
 609 documentation confirming that the applicant has met any
 610 reasonable conditions of the board, including, but not limited
 611 to, completing continuing education or undergoing an assessment
 612 of skills and training.

613 (c) The board may not issue a temporary certificate for
 614 practice in areas of critical need to a physician who is under
 615 investigation in any jurisdiction in the United States for an
 616 act that would constitute a violation of this chapter until such
 617 time as the investigation is complete, at which time the
 618 provisions of s. 458.331 apply.

619 (7) The recipient of a temporary certificate for practice
 620 in areas of critical need shall, within 30 days after accepting
 621 employment, notify the board of all approved institutions in
 622 which the licensee practices and of all approved institutions
 623 where practice privileges have been denied. A physician holding
 624 a temporary certificate for practice in areas of critical need

625 may enter into a contract to provide volunteer health care
 626 services pursuant to s. 766.1115.

627 (8) A temporary certificate issued under this section is
 628 valid only so long as the State Surgeon General determines that
 629 the reason for which it was issued remains a critical need to
 630 the state. The board shall review each temporary
 631 certificateholder at least annually to ascertain compliance with
 632 the minimum requirements of this section and the Medical
 633 Practice Act and its adopted rules. If it is determined that
 634 such minimum requirements are not being met, the board shall
 635 revoke such certificate or shall impose restrictions or
 636 conditions, or both, as a condition of continued practice under
 637 the certificate.

638 Section 16. Section 459.0076, Florida Statutes, is amended
 639 to read:

640 459.0076 Temporary certificate for practice in areas of
 641 critical need.--

642 ~~(1) A certificate issued pursuant to this section may be~~
 643 ~~cited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~
 644 ~~Certificate for Practice in Areas of Critical Need."~~

645 ~~(2) Any physician who:~~

646 ~~(a) Is licensed to practice in any jurisdiction in the~~
 647 ~~United States and whose license is currently valid; or~~

648 ~~(b) Has served as a physician in the United States Armed~~
 649 ~~Forces for at least 10 years and received an honorable discharge~~
 650 ~~from the military;~~

651
 652 ~~and who pays an application fee of \$300 may be issued a~~
 653 ~~temporary certificate for practice in areas of critical need.~~

654 (1)(3) The board may issue a temporary certificate for
 655 practice in areas of critical need ~~A certificate may be issued~~
 656 to a physician who holds an active and valid license to practice
 657 in any jurisdiction in the United States, who pays an
 658 application fee of \$300, and who will:

- 659 (a) ~~Will~~ Practice in an area of critical need;
- 660 (b) ~~Will~~ Be employed by or practice in a county health
 661 department; correctional facility; Department of Veterans'
 662 Affairs clinic; community health center funded by s. 329, s.
 663 330, or s. 340 of the United States Public Health Services Act;
 664 or other agency or institution that is approved by the State
 665 Surgeon General and provides health care to meet the needs of
 666 underserved populations in this state; or
- 667 (c) ~~Will~~ Practice for a limited time to address critical
 668 physician-specialty, demographic, or geographic needs for this
 669 state's physician workforce as determined by the State Surgeon
 670 General.

671 (2)(4) The board of Osteopathic Medicine may issue a this
 672 temporary certificate with the following restrictions:

- 673 (a) The State Surgeon General shall determine the areas of
 674 critical need. Such areas include, but are not limited to,
 675 health professional shortage areas designated by the United
 676 States Department of Health and Human Services.

677 1. A recipient of a temporary certificate for practice in
 678 areas of critical need may use the certificate to work for any
 679 approved entity in any area of critical need or as authorized by
 680 the State Surgeon General.

681 2. The recipient of a temporary certificate for practice
 682 in areas of critical need shall, within 30 days after accepting
 683 employment, notify the board of all approved institutions in
 684 which the licensee practices and of all approved institutions
 685 where practice privileges have been denied.

686 (b) ~~The board may administer an abbreviated oral~~
 687 ~~examination to determine the physician's competency, but a~~
 688 ~~written regular examination is not required.~~ Within 10 ~~60~~ days
 689 after receipt of a complete ~~an~~ application for a temporary
 690 certificate, the board shall review the application and:

- 691 1. Issue the temporary certificate;
- 692 2. Deny the temporary certificate; ~~notify the applicant of~~
 693 ~~denial,~~ or
- 694 3. Require ~~notify~~ the applicant ~~that the board recommends~~
 695 to complete additional assessment, training, education, or other
 696 requirements as a condition of certification.

697 (c) If the applicant has not actively practiced during the
 698 prior 3 years and the board determines that the applicant may
 699 lack clinical competency, possess diminished or inadequate
 700 skills, lack necessary medical knowledge, or exhibit patterns of
 701 deficits in clinical decisionmaking, the board may, within 10
 702 days after receipt of a complete application:

- 703 1. Deny the application;
- 704 2. Issue a temporary certificate having reasonable
- 705 restrictions that may include, but are not limited to, a
- 706 requirement for the applicant to practice under the supervision
- 707 of a physician approved by the board; or
- 708 3. Issue a temporary certificate upon receipt of
- 709 documentation confirming that the applicant has met any
- 710 reasonable conditions of the board which may include, but are
- 711 not limited to, completing continuing education or undergoing an
- 712 assessment of skills and training.

713 ~~(d)(e)~~ A temporary ~~Any~~ certificate issued under this

714 section is valid only so long as the State Surgeon General

715 determines that the reason for which it was issued remains a

716 critical need to the state. The board ~~of Osteopathic Medicine~~

717 shall review each temporary certificateholder at least not less

718 ~~than~~ annually to ascertain compliance with ~~that~~ the minimum

719 requirements of the Osteopathic Medical Practice Act and its

720 adopted rules ~~are being complied with~~. If it is determined that

721 such minimum requirements are not being met, the board shall

722 revoke such certificate or shall impose restrictions or

723 conditions, or both, as a condition of continued practice under

724 the certificate.

725 ~~(e)(d)~~ The board may not issue a temporary certificate for

726 practice in areas ~~an area~~ of critical need to a a ~~any~~ physician

727 who is under investigation in any jurisdiction in the United

728 States for an act that would constitute a violation of this

729 chapter until such time as the investigation is complete, at
 730 which time the provisions of s. 459.015 apply.

731 ~~(3)(5)~~ The application fee and all licensure fees,
 732 including neurological injury compensation assessments, shall be
 733 waived for an applicant ~~those persons~~ obtaining a temporary
 734 certificate to practice in areas of critical need for the
 735 purpose of providing volunteer, uncompensated care for low-
 736 income residents. The applicant must submit an affidavit from
 737 the employing agency or institution stating that the physician
 738 will not receive any compensation for any service involving the
 739 practice of medicine.

740 (4) The board shall create a simplified application for a
 741 temporary certificate for practice in areas of critical need to
 742 reduce administrative impediments and maximize participation.
 743 The application may not request redundant information, including
 744 information:

745 (a) Accessible through the department's licensing
 746 database.

747 (b) Regarding qualifications, including education or
 748 training, required for the applicant's current license in
 749 another jurisdiction.

750 Section 17. Section 459.00761, Florida Statutes, is
 751 created to read:

752 459.00761 Temporary certificate for active duty military
 753 and veterans practicing in areas of critical need.-

754 (1) A certificate issued pursuant to this section may be

755 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
 756 Certificate for Practice in Areas of Critical Need."

757 (2) The board may issue a temporary certificate to a
 758 physician who complies with subsection (3) and who will:

759 (a) Practice in an area of critical need;

760 (b) Be employed by or practice in a county health
 761 department; correctional facility; Department of Veterans'
 762 Affairs clinic; community health center funded by s. 329, s.
 763 330, or s. 340 of the United States Public Health Services Act;
 764 or other agency or institution that is approved by the State
 765 Surgeon General and provides health care to meet the needs of
 766 underserved populations in this state; or

767 (c) Practice for a limited time to address critical
 768 physician-specialty, demographic, or geographic needs for this
 769 state's physician workforce as determined by the State Surgeon
 770 General.

771 (3) To be eligible for a temporary certificate, a
 772 physician must submit to the board:

773 (a) A complete application.

774 (b) Proof of an active and valid license to practice in
 775 any jurisdiction in the United States.

776 (c) An affidavit from the employing agency or institution
 777 stating that the physician will not receive any compensation for
 778 any service involving the practice of medicine.

779 (d) If on active duty, a letter from the physician's
 780 military command authorizing the physician to practice medicine

781 | at an approved entity in an area of critical need.

782 | (e) Documentation demonstrating the physician is serving
 783 | on active duty in the United States Armed Forces as a
 784 | commissioned medical officer or has served as a commissioned
 785 | medical officer in the United States Armed Forces for at least
 786 | 10 years and received an honorable discharge from the military.

787 | (4) The board shall use a simplified application for a
 788 | temporary certificate for practice in areas of critical need to
 789 | reduce administrative impediments and maximize participation.
 790 | The board may not request redundant information, including
 791 | information:

792 | (a) Available in the department's licensing database.

793 | (b) Regarding qualifications, including education or
 794 | training, required for the applicant's current license in
 795 | another jurisdiction.

796 | (c) Contained in the supporting documentation provided by
 797 | the applicant pursuant to paragraphs (3) (a)-(d).

798 | (5) The application fee and all licensure fees shall be
 799 | waived for a physician obtaining a temporary certificate to
 800 | practice in areas of critical need under this section.

801 | (6) (a) Within 10 days after receipt of a complete
 802 | application for a temporary certificate, the board shall review
 803 | the application and associated documentation and:

804 | 1. Issue the temporary certificate;
 805 | 2. Deny the temporary certificate; or
 806 | 3. Require the applicant to complete additional

807 assessment, training, education, or other requirements as a
 808 condition of certification. The board shall issue a temporary
 809 certificate upon receipt of documentation demonstrating that the
 810 requirements of the board have been met.

811 (b) If an applicant has not actively practiced medicine
 812 during the prior 3 years and the board determines the applicant
 813 may lack clinical competency, possess diminished or inadequate
 814 skills, lack necessary medical knowledge, or exhibit patterns of
 815 deficits in clinical decisionmaking, the board may, within 10
 816 days after receipt of a complete application:

- 817 1. Deny the application;
- 818 2. Issue a temporary certificate having reasonable
 819 restrictions, including, but not limited to, a requirement that
 820 the applicant practice under the supervision of a physician
 821 approved by the board; or

- 822 3. Issue a temporary certificate upon receipt of
 823 documentation confirming that the applicant has met any
 824 reasonable conditions of the board, including, but not limited
 825 to, completing continuing education or undergoing an assessment
 826 of skills and training.

827 (c) The board may not issue a temporary certificate for
 828 practice in areas of critical need to a physician who is under
 829 investigation in any jurisdiction in the United States for an
 830 act that would constitute a violation of this chapter until such
 831 time as the investigation is complete, at which time the
 832 provisions of s. 459.015 apply.

833 (7) The recipient of a temporary certificate for practice
 834 in areas of critical need shall, within 30 days after accepting
 835 employment, notify the board of all approved institutions in
 836 which the licensee practices and of all approved institutions
 837 where practice privileges have been denied. A physician holding
 838 a temporary certificate for practice in areas of critical need
 839 may enter into a contract to provide volunteer health care
 840 services pursuant to s. 766.1115.

841 (8) A temporary certificate issued under this section is
 842 valid as long as the State Surgeon General determines that the
 843 reason for which it was issued remains a critical need to the
 844 state. The board shall review each temporary certificateholder
 845 at least annually to ascertain compliance with the minimum
 846 requirements of this section and the Osteopathic Practice Act
 847 and its adopted rules. If it is determined that such minimum
 848 requirements are not being met, the board shall revoke such
 849 certificate or shall impose restrictions or conditions, or both,
 850 as a condition of continued practice under the certificate.

851 Section 18. Paragraph (b) of subsection (16) of section
 852 499.012, Florida Statutes, is amended to read:

853 499.012 Permit application requirements.—

854 (16)

855 (b) To be certified as a designated representative, a
 856 natural person must:

857 1. Submit an application on a form furnished by the
 858 department and pay the appropriate fees.†

- 859 2. Be at least 18 years of age.~~†~~
- 860 3. Have at least ~~not less than~~ 2 years of verifiable full-
- 861 time:
- 862 a. Work experience in a pharmacy licensed in this state or
- 863 another state, where the person's responsibilities included, but
- 864 were not limited to, recordkeeping for prescription drugs;~~†~~ ~~or~~
- 865 ~~have not less than 2 years of verifiable full-time~~
- 866 b. Managerial experience with a prescription drug
- 867 wholesale distributor licensed in this state or in another
- 868 state; or
- 869 c. Managerial experience with the United States military,
- 870 where the person's responsibilities included, but were not
- 871 limited to, recordkeeping, warehousing, distributing, or other
- 872 logistics services pertaining to prescription drugs.~~†~~
- 873 4. Receive a passing score of at least 75 percent on an
- 874 examination given by the department regarding federal laws
- 875 governing distribution of prescription drugs and this part and
- 876 the rules adopted by the department governing the wholesale
- 877 distribution of prescription drugs. This requirement shall be
- 878 effective 1 year after the results of the initial examination
- 879 are mailed to the persons that took the examination. The
- 880 department shall offer such examinations at least four times
- 881 each calendar year.~~†~~ ~~and~~
- 882 5. Provide the department with a personal information
- 883 statement and fingerprints pursuant to subsection (9).
- 884 Section 19. Subsection (12) is added to section 1009.26,

885 Florida Statutes, to read:

886 1009.26 Fee waivers.—

887 (12) (a) There is established the Congressman C. W. Bill
 888 Young Veteran Tuition Waiver Program. A state university or
 889 Florida College System institution shall waive out-of-state fees
 890 for an honorably discharged veteran of the United States Armed
 891 Forces, the United States Reserve Forces, or the National Guard
 892 who physically resides in this state while enrolled in the
 893 institution. Tuition and fees charged to a veteran who qualifies
 894 for the out-of-state fee waiver under this subsection may not
 895 exceed the tuition and fees charged to a resident student. The
 896 waiver is applicable for 110 percent of the required credit
 897 hours of the degree or certificate program for which the student
 898 is enrolled. Each state university and Florida College System
 899 institution shall report to the Board of Governors and the State
 900 Board of Education, respectively, the number and value of all
 901 fee waivers granted annually under this subsection.

902 (b) This subsection may be cited as the "Congressman C.W.
 903 Bill Young Tuition Waiver Act."

904 Section 20. For the 2014-2015 fiscal year, the sum of
 905 \$12.5 million in nonrecurring funds is appropriated from the
 906 General Revenue Fund to the Department of Military Affairs for
 907 the purpose of continuing renovations to state readiness centers
 908 to meet state and federal building codes.

909 Section 21. For the 2014-2015 fiscal year, the following
 910 sums of nonrecurring funds are appropriated from the General

CS/HB 7015

2014

911 | Revenue Fund to the Department of Economic Opportunity for the
 912 | Military Base Protection Program to allow the Board of Trustees
 913 | of the Internal Improvement Trust Fund to acquire, pursuant to
 914 | s. 288.980, Florida Statutes, nonconservation land adjacent to
 915 | the following installations for the purpose of securing and
 916 | protecting the installations against encroachment:

- 917 | (1) MacDill Air Force Base, \$4.9 million.
- 918 | (2) Naval Support Activity Panama City, \$2.4 million.
- 919 | (3) Naval Station Mayport, \$1.5 million.

920 | Section 22. This act shall take effect July 1, 2014.



Amendment No. 1

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: Economic Affairs Committee
 2 Representative Smith offered the following:

Amendment

5 Remove everything after the enacting clause and insert:
 6 Section 1. Subsections (7) and (8) of section 250.10,
 7 Florida Statutes, are amended, and subsection (9) is added to
 8 that section, to read:

9 250.10 Appointment and duties of the Adjutant General.—

10 (7) The Adjutant General shall develop an education
 11 assistance program for members in good standing of the Florida
 12 National Guard who enroll in an authorized course of study at a
 13 public or nonpublic postsecondary institution or technical
 14 center in this state ~~of higher learning in the state~~ which has
 15 been accredited by an accrediting body recognized by the United
 16 States Department of Education or licensed by the Commission for
 17 Independent Education. Education assistance also may be used for



Amendment No. 1

18 training to obtain industry certifications approved by the
19 Department of Education pursuant to s. 1008.44 and continuing
20 education to maintain license certifications. The education
21 assistance ~~This~~ program shall be known as the Educational
22 Dollars for Duty program (EDD).

23 (a) The program shall establish ~~set forth~~ application
24 requirements, including, but not limited to, requirements that
25 the applicant:

26 1. Be 17 years of age or older.

27 2. Be presently domiciled in the state.

28 3. Be an active drilling member and in good standing in
29 the Florida National Guard at the beginning of and throughout
30 the entire academic term for which benefits are received.

31 4. Maintain continuous satisfactory participation in the
32 Florida National Guard for any school term for which ~~exemption~~
33 benefits are received.

34 5. Upon enrollment in the program, complete a memorandum
35 of agreement to:

36 a. Comply with the rules of the program. ~~and~~

37 b. Serve in the Florida National Guard for the period
38 specified in the member's enlistment or reenlistment contract.

39 c. Authorize the release of information as provided in
40 subparagraph (d)6. by the postsecondary institution or technical
41 center to the Education Service Office within the Department of
42 Military Affairs, subject to applicable federal and state law.

43 (b) The program shall define those members of the Florida



Amendment No. 1

44 National Guard who are ineligible to participate in the program
45 and those courses of study which are not authorized for the
46 program.

47 1. Ineligible members include, but are not limited to, a
48 any member, commissioned officer, warrant officer, or enlisted
49 person who has obtained a master's degree using the program.

50 2. Inactive members of the Florida National Guard and
51 members of the Individual Ready Reserve (IRR) are not eligible
52 to participate in the program.

53 3. Courses not authorized include noncredit courses,
54 courses that do not meet degree requirements, courses that do
55 not meet requirements for completion of career training, or
56 other courses as determined by program definitions.

57 ~~4.3- The program may not pay repeat course fees~~
58 ~~Developmental education courses are authorized for the program.~~

59 (c) The program may include, but is not limited to:

60 1. Courses at a public or nonpublic postsecondary
61 institution or technical center in the state which has been
62 accredited by an accrediting body recognized by the United
63 States Department of Education or licensed by the Commission for
64 Independent Education.

65 2. Training to obtain industry certifications, limited to
66 certifications approved by the Department of Education under s.
67 1008.44.

68 3. Continuing education to maintain a license or
69 certification. Notwithstanding subparagraph (b)1., members who



Amendment No. 1

70 have obtained a master's degree using the program are eligible
71 for funding under this subparagraph.

72 4. Licensing and industry certification examination fees.
73 Notwithstanding subparagraph (b)1., members who have obtained a
74 master's degree using the program are eligible for funding under
75 this subparagraph.

76 5. Developmental educational courses, notwithstanding
77 subparagraph (b)3.

78 (d) The Adjutant General shall adopt rules for the overall
79 policy, guidance, administration, implementation, and proper use
80 of the program. Such rules must include, but need not be limited
81 to:

82 1. Guidelines for certification by the Adjutant General of
83 a guard member's eligibility.

84 2. Procedures for notification to a postsecondary an
85 institution or technical center of a guard member's termination
86 of eligibility. and

87 3. Guidelines for approving courses of study that are
88 authorized for the program, including online courses, industry
89 certification training, and continuing education to maintain
90 license certifications.

91 4. Guidelines for approving the use of program funds for
92 licensing and industry certification examination fees.

93 5. Procedures for restitution when a guard member fails to
94 comply with the penalties described in this section.



Amendment No. 1

95 6. Procedures that require a public or nonpublic
96 postsecondary institution or technical center that receives
97 funding from the program to provide information regarding course
98 enrollment, course withdrawal, course cancellation, course
99 completion, course failure, and grade verification of enrolled
100 members to the Education Service Office within the Department of
101 Military Affairs.

102 7. Guidelines for the payment of tuition and fees not to
103 exceed the highest in-state tuition rate charged by a public
104 postsecondary institution in this state.

105 (8) Subject to appropriations, the Department of Military
106 Affairs may pay the full cost of tuition and fees for required
107 courses for current members of the Florida National Guard.
108 Members are eligible to use the program upon enlistment in the
109 Florida National Guard. If a member is enrolled in a nonpublic
110 postsecondary education institution or a nonpublic vocational-
111 technical program, the Department of Military Affairs shall pay
112 an amount that may not exceed the rate of the highest in-state
113 equal to the amount that would be required to pay for the
114 average tuition and fees at a public postsecondary education
115 institution or public vocational-technical program.

116 (a) The Adjutant General shall give preferences and
117 priority to eligible members who have deployed on federal
118 military orders while a member of the Florida National Guard.

119 (b) The Department of Military Affairs may reimburse a
120 member for student textbook and instructional material costs in



Amendment No. 1

121 accordance with limits set each fiscal year based on funding
122 availability and regardless of the source of tuition funding,
123 but only after tuition and fees for all eligible members are
124 paid for that fiscal year.

125 ~~(a) A member may participate in the program if he or she~~
126 ~~maintains satisfactory participation in, and is an active~~
127 ~~drilling member of, the Florida National Guard. Inactive members~~
128 ~~of the Florida National Guard and members of the Individual~~
129 ~~Ready Reserve (IRR) are not eligible to participate in the~~
130 ~~program.~~

131 (c) ~~(b)~~ Penalties for noncompliance with program
132 requirements include, but are not limited to, the following:

133 1. If a member of the Florida National Guard receives
134 payment of tuition and fees for an any academic term and fails
135 to maintain satisfactory participation in the Florida National
136 Guard during that academic term, the member shall reimburse the
137 Department of Military Affairs all tuition charges and student
138 fees for the academic term for which the member received
139 payment.

140 2. If a member of the Florida National Guard leaves the
141 Florida National Guard during the period specified in the
142 member's enlistment or reenlistment contract, the member shall
143 reimburse the Department of Military Affairs all tuition charges
144 and student fees for which the member received payments,
145 regardless of whether the obligation to reimburse the department
146 was incurred before, on, or after July 1, 2009, unless the



Amendment No. 1

147 Adjutant General finds that there are justifiable extenuating
148 circumstances.

149 3. If the service of a member of the Florida National
150 Guard is terminated or the member is placed on scholastic
151 probation while receiving payments, the member shall reimburse
152 the Department of Military Affairs all tuition charges and
153 student fees for the academic term for which the member received
154 payment.

155 4. If a member defaults on any reimbursement made under
156 this paragraph, the department may charge the member the maximum
157 interest rate authorized by law.

158 (9) For the 2014-2015 fiscal year, the sum of \$1.53
159 million in recurring funds is appropriated from the General
160 Revenue Fund to the Department of Military Affairs to supplement
161 the Educational Dollars for Duty program to ensure that Florida
162 National Guard members are rewarded for their service to the
163 country with the ability to pursue higher learning in the state
164 pursuant to provisions of subsections 250.10(7) and (8), Florida
165 Statutes.

166 Section 2. For the 2014-2015 fiscal year, the sum of
167 \$250,000 in nonrecurring funds is appropriated from the General
168 Revenue Fund to the Department of Military Affairs for the
169 purpose of information technology upgrades to accommodate
170 administering and auditing the Educational Dollars for Duty
171 program.

172 Section 3. Subsections (1) and (2) of section 250.35,



Amendment No. 1

173 Florida Statutes, are amended to read:

174 250.35 Courts-martial.—

175 (1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C.
176 ss. 801 et seq., and the Manual for Courts-Martial (2012 2008
177 Edition) are adopted for use by the Florida National Guard,
178 except as otherwise provided by this chapter.

179 (2) Courts-martial may try a any member of the Florida
180 National Guard for any crime or offense made punishable by the
181 Uniform Code of Military Justice (2012 2008 Edition), except
182 that a commissioned officer, warrant officer, or cadet may not
183 be tried by summary courts-martial.

184 Section 4. Effective upon this act becoming a law, section
185 265.0031, Florida Statutes, is created to read:

186 265.0031 Florida Veterans' Walk of Honor and Florida
187 Veterans' Memorial Garden.—

188 (1) To recognize and honor those military veterans who
189 have made significant contributions to the state through their
190 service to the United States, the Florida Veterans' Walk of
191 Honor and the Florida Veterans' Memorial Garden are established.

192 (2) The Florida Veterans' Walk of Honor and the Florida
193 Veterans' Memorial Garden shall be administered by the direct-
194 support organization of the Department of Veterans' Affairs
195 without funding from the state. However, donations made to the
196 Florida Veterans' Walk of Honor and the Florida Veterans'
197 Memorial Garden shall be credited to the direct-support
198 organization of the Department of Veterans' Affairs and used



Amendment No. 1

199 solely to support and maintain the Florida Veterans' Walk of
200 Honor, the Florida Veterans' Memorial Garden, and other efforts
201 of the direct-support organization.

202 (3) The Department of Management Services, in consultation
203 with the Department of Veterans' Affairs and the direct-support
204 organization of the Department of Veterans' Affairs, shall make
205 space available on the Capitol Complex grounds for the
206 construction of the Florida Veterans' Walk of Honor and the
207 Florida Veterans' Memorial Garden.

208 Section 5. Paragraph (d) is added to subsection (2) of
209 section 288.0001, Florida Statutes, to read:

210 288.0001 Economic Development Programs Evaluation.—The
211 Office of Economic and Demographic Research and the Office of
212 Program Policy Analysis and Government Accountability (OPPAGA)
213 shall develop and present to the Governor, the President of the
214 Senate, the Speaker of the House of Representatives, and the
215 chairs of the legislative appropriations committees the Economic
216 Development Programs Evaluation.

217 (2) The Office of Economic and Demographic Research and
218 OPPAGA shall provide a detailed analysis of economic development
219 programs as provided in the following schedule:

220 (d) By January 1, 2019, and every 3 years thereafter, an
221 analysis of the grant and entrepreneur initiative programs
222 established under s. 295.21(3)(d) and (e).

223 Section 6. Section 295.065, Florida Statutes, is amended
224 to read:



Amendment No. 1

225 295.065 Legislative intent.—It is the intent of the
226 Legislature to provide preference and priority in the hiring
227 practices of this state as set forth in this chapter. ~~In~~ All
228 written job announcements and audio and video advertisements
229 used by employing agencies of the state and its political
230 subdivisions must include a notice stating, ~~there shall be a~~
231 ~~notation~~ that certain servicemembers, veterans, and spouses and
232 family members of veterans receive preference and priority in
233 employment by the state and are encouraged to apply for the
234 positions being filled.

235 Section 7. Subsections (1) and (3) of section 295.07,
236 Florida Statutes, are amended to read:

237 295.07 Preference in appointment and retention.—

238 (1) The state and its political subdivisions ~~in the state~~
239 shall give preference in appointment and retention in positions
240 of employment to:

241 (a) Those disabled veterans:

242 1. Who have served on active duty in any branch of the
243 United States Armed Forces ~~of the United States~~, have received
244 an honorable discharge ~~been separated therefrom under honorable~~
245 ~~conditions~~, and have established the present existence of a
246 service-connected disability that ~~which~~ is compensable under
247 public laws administered by the United States ~~U.S.~~ Department of
248 Veterans ~~Veterans~~ Affairs; ~~or~~

249 2. Who are receiving compensation, disability retirement
250 benefits, or pension by reason of public laws administered by



Amendment No. 1

251 the United States ~~U.S.~~ Department of Veterans ~~Veterans'~~ Affairs
252 and the United States Department of Defense.

253 (b) The spouse of a any person who has a total disability,
254 permanent in nature, resulting from a service-connected
255 disability and who, because of this disability, cannot qualify
256 for employment, and the spouse of a any person missing in
257 action, captured in line of duty by a hostile force, or forcibly
258 detained or interned in line of duty by a foreign government or
259 power.

260 (c) A wartime veteran ~~of any war~~ as defined in s.
261 1.01(14), who has. ~~The veteran must have served at least 1 day~~
262 ~~during a wartime period to be eligible for veterans' preference.~~
263 Active duty for training may shall not be allowed for
264 eligibility under this paragraph.

265 (d) The unremarried widow or widower of a veteran who died
266 of a service-connected disability.

267 (e) The mother, father, legal guardian, or unremarried
268 widow or widower of a member of the United States Armed Forces
269 who died in the line of duty under combat-related conditions, as
270 verified by the United States Department of Defense.

271 (f) A veteran as defined in s. 1.01(14). Active duty for
272 training may not be allowed for eligibility under this
273 paragraph.

274 (g) A current member of any reserve component of the
275 United States Armed Forces or the Florida National Guard.

276 (2) The Department of Veterans' Affairs shall adopt rules



Amendment No. 1

277 to ensure that veterans are given special consideration in the
278 employing agency's selection and retention processes. The rules
279 must include the award of point values as articulated in s.
280 295.08, if applicable, or, where point values are not relevant,
281 must include procedures to ensure that veterans are given
282 special consideration at each step of the employment selection
283 process, unless the sponsoring governmental entity is a party to
284 a collective bargaining agreement, in which case the collective
285 bargaining agreement must comply within 90 days after following
286 ratification of a successor collective bargaining agreement or
287 extension of an any existing collective bargaining agreement.

288 (3) Preference in employment and retention may be given
289 only to eligible persons who are described in subsection (1) ~~and~~
290 ~~who are residents of this state.~~

291 (4) The following positions are exempt from this section:

292 (a) Those positions that are exempt from the state Career
293 Service System under s. 110.205(2); however, all positions under
294 the University Support Personnel System of the State University
295 System as well as all Career Service System positions under the
296 Florida College System and the School for the Deaf and the
297 Blind, or the equivalent of such positions at state
298 universities, Florida College System institutions, or the School
299 for the Deaf and the Blind, are included.

300 (b) Positions in political subdivisions of the state which
301 are filled by officers elected by popular vote or persons
302 appointed to fill vacancies in such offices and the personal



Amendment No. 1

303 secretary of each such officer, members of boards and
304 commissions, persons employed on a temporary basis without
305 benefits, heads of departments, positions that require licensure
306 as a physician, licensure as an osteopathic physician, licensure
307 as a chiropractic physician, and positions that require that the
308 employee be a member of The Florida Bar.

309 Section 8. Section 295.08, Florida Statutes, is amended to
310 read:

311 295.08 Positions for which a numerically based selection
312 process is used.—For positions for which an examination is used
313 to determine the qualifications for entrance into employment
314 with the state or political subdivisions in the state, 15 points
315 shall be added to the earned ratings of a person included under
316 s. 295.07(1)(a) or (b), 10 points shall be added to the earned
317 ratings of a any person included under s. 295.07(1)(c), (d), or
318 (e) 295.07(1)(a) or (b), and 5 points shall be added to the
319 earned rating of a any person included under s. 295.07(1)(f) or
320 (g) 295.07(1)(e) and (d), if the person has obtained a
321 qualifying score on the examination for the position. The names
322 of persons eligible for preference shall be entered on an
323 appropriate register or list in accordance with their respective
324 augmented ratings. However, except for classes of positions with
325 Federal Government designations of professional or technician,
326 the names of all persons qualified to receive a 15-point ~~10-~~
327 ~~point~~ preference whose service-connected disabilities have been
328 rated by the United States Department of Veterans Affairs or its



Amendment No. 1

329 predecessor or the United States Department of Defense to be 30
330 percent or more shall be placed at the top of the appropriate
331 register or employment list, in accordance with their respective
332 augmented ratings. The respective augmented rating is the
333 examination score or evaluated score in addition to the
334 applicable veteran's preference points.

335 Section 9. Section 295.085, Florida Statutes, is amended
336 to read:

337 295.085 Positions for which a numerically based selection
338 process is not used.—In all positions in which the appointment
339 or employment of persons is not subject to a written
340 examination, with the exception of positions that are exempt
341 under s. 295.07(4), first preference in appointment, employment,
342 and retention shall be given by the state and political
343 subdivisions in the state to a person ~~persons~~ included under s.
344 295.07(1)(a) or (b) ~~295.07(1)(a) and (b)~~, and second preference
345 shall be given to a person ~~persons~~ included under s.
346 295.07(1)(c), (d), (e), (f), or (g) ~~295.07(1)(e) and (d)~~ who
347 possess the minimum qualifications necessary to discharge the
348 duties of the position involved.

349 Section 10. Section 295.188, Florida Statutes, is created
350 to read:

351 295.188 Private employment of veterans.-

352 (1) The Legislature intends to establish a permissive
353 preference in private employment for certain veterans.

354 (2) A private employer may adopt an employment policy that



Amendment No. 1

355 gives preference in hiring to an honorably discharged veteran,
356 as defined in s. 1.01(14), the spouse of a service-disabled
357 veteran, as described in s. 295.07(1)(b), or the unremarried
358 widow or widower of a veteran who died of a service-connected
359 disability, as described in s. 295.07(1)(d), or the unremarried
360 widow or widower of a member of the United States Armed Forces
361 who died in the line of duty under combat related conditions.
362 Such policy shall be applied uniformly to employment decisions
363 regarding hiring and promotion.

364 (3) These preferences are not considered violations of any
365 state or local equal employment opportunity law.

366 Section 11. Section 295.20, Florida Statutes, is created
367 to read:

368 295.20 Florida Is For Veterans, Inc.-

369 (1) CREATION.-There is created within the Department of
370 Veterans' Affairs a nonprofit corporation, to be known as
371 Florida Is For Veterans, Inc., which shall be registered,
372 incorporated, organized, and operated in compliance with chapter
373 617, and which is not a unit or entity of state government. As
374 used in this section and s. 295.21, unless the context indicates
375 otherwise, the term "corporation" means Florida Is For Veterans,
376 Inc. The corporation is a separate budget entity and is not
377 subject to the control, supervision, or direction of the
378 department in areas, including, but not limited to, personnel,
379 purchasing, transactions involving real or personal property, or
380 budgetary matters.



Amendment No. 1

381 (2) PURPOSE.—The purpose of the corporation is to promote
382 Florida as a veteran-friendly state that seeks to equip veterans
383 for employment opportunities and that promotes the hiring of
384 veterans by the business community. The corporation should
385 encourage retired and recently separated military personnel to
386 keep or make Florida their permanent residence. The corporation
387 shall promote the value of military skill sets to Florida
388 businesses, assist in tailoring the training of veterans to
389 match the needs of the employment marketplace, and enhance the
390 entrepreneurial skills of veterans.

391 (3) DUTIES.—The corporation shall:

392 (a) Conduct research to identify the target market and the
393 educational and employment needs of those in the target market.
394 The corporation shall contract with one or more entities in
395 accordance with competitive bidding requirements in s. 287.057
396 and the provisions of s. 295.187 to perform the research. Such
397 entity must have experience conducting market research on the
398 veteran demographic. The corporation shall seek input from the
399 Tourism Industry Marketing Corporation on the scope, process,
400 and focus of such research.

401 (b) Advise the Tourism Industry Marketing Corporation,
402 pursuant to s. 295.22, on:

- 403 1. The target market as identified in paragraph (a).
404 2. Development and implementation of a marketing campaign to
405 encourage members of the target market to remain in Florida or
406 to make Florida their permanent residence; and



Amendment No. 1

407 3. Methods for disseminating information to the target market
408 that target such information to the interests and needs of
409 veterans of all ages and facilitates veterans' knowledge of and
410 access to benefits.

411 (c) Promote and enhance the value of military skill sets
412 to businesses.

413 (d) Implement the Veterans Employment and Training
414 Services Program established by s. 295.21.

415 (e) Responsibly and prudently manage all funds received,
416 and ensure that the use of such funds is in accordance with all
417 applicable laws, bylaws, or contractual requirements.

418 (f) Administer the programs created in this section and s.
419 295.21.

420 (4) GOVERNANCE.-

421 (a) The corporation shall be governed by a 9-member board
422 of directors. The Governor, the President of the Senate, and
423 the Speaker of the House of Representatives shall each appoint
424 three members to the board. In making appointments, the
425 Governor, the President of the Senate, and the Speaker of the
426 House of Representatives must consider representation by active
427 or retired military personnel and their spouses representing a
428 range of ages and persons with expertise in business, education,
429 marketing, and information management.

430 (b) The board of directors shall annually elect a
431 chairperson from among the board's members.



Amendment No. 1

432 (c) Each member of the board of directors shall be
433 appointed for a term of 4 years, except that, to achieve
434 staggered terms, the initial appointees of the Governor shall be
435 appointed to terms of 2 years. A member is ineligible for
436 reappointment to the board except that any member appointed to a
437 term of 2 years or less may be reappointed for an additional
438 term of 4 years. The initial appointments to the board must be
439 made by July 15, 2014. Vacancies on the board of directors shall
440 be filled by the officer who originally appointed the member. A
441 vacancy that occurs before the scheduled expiration of the term
442 of the member shall be filled for the remainder of the unexpired
443 term.

444 (d) The Legislature finds that it is in the public
445 interest for the members of the board of directors to be subject
446 to the requirements of ss. 112.313, 112.3135, and 112.3143,
447 notwithstanding the fact that they are not public officers or
448 employees. For purposes of those sections, board members shall
449 be considered to be public officers or employees. In addition to
450 the postemployment restrictions of s. 112.313(9), a person
451 appointed to the board of directors may not have direct interest
452 in a contract, franchise, privilege, project, program, or other
453 benefit arising from an award by the corporation during the
454 appointment term and for 2 years after the termination of such
455 appointment. It is a misdemeanor of the first degree, punishable
456 as provided in s. 775.082 or s. 775.083, for a person to accept
457 appointment to the board of directors in violation of this



Amendment No. 1

458 subsection or to accept a direct interest in any contract,
459 franchise, privilege, project, program, or other benefit granted
460 by the corporation to an awardee within 2 years after the
461 termination of his or her service on the board. Further, each
462 member of the board of directors who is not otherwise required
463 to file financial disclosure under s. 8, Art. II of the State
464 Constitution or s. 112.3144 shall file a statement of financial
465 interests under s. 112.3145.

466 (e) Each member of the board of directors shall serve
467 without compensation, but shall receive reimbursement for travel
468 and per diem expenses as provided in s. 112.061 while performing
469 his or her duties.

470 (f) Each member of the board of directors is accountable
471 for the proper performance of the duties of office and owes a
472 fiduciary duty to the people of this state to ensure that awards
473 provided are disbursed and used as prescribed by law and
474 contract. An appointed member of the board of directors may be
475 removed by the officer who appointed the member for malfeasance,
476 misfeasance, neglect of duty, incompetence, permanent inability
477 to perform official duties, unexcused absence from three
478 consecutive board meetings, arrest, or indictment for a crime
479 that is a felony or a misdemeanor involving theft or a crime of
480 dishonesty, or pleading nolo contendere to or being found guilty
481 of any crime.



Amendment No. 1

482 (g) A majority of the members of the board of directors
483 constitutes a quorum. Council meetings may be held via
484 teleconference or other electronic means.

485 (5) POWERS.—In addition to the powers and duties
486 prescribed in chapter 617 and the articles and bylaws adopted
487 thereunder, the board of directors may:

488 (a) Make and enter into contracts and other instruments
489 necessary or convenient for the exercise of its powers and
490 functions. However, notwithstanding s. 617.0302, the corporation
491 may not issue bonds.

492 (b) Make expenditures, including any necessary
493 administrative expenditure.

494 (c) Adopt, amend, and repeal bylaws, consistent with the
495 powers granted to it under this section or the articles of
496 incorporation, for the administration of the activities of the
497 corporation, and the exercise of its corporate powers.

498 (d) Accept funding for its programs and activities from
499 federal, state, local, and private sources.

500 (e) Adopt and register a fictitious name for use in its
501 marketing activities.

502

503 The credit of the State of Florida may not be pledged on behalf
504 of the corporation.

505 (6) APPLICABILITY OF PUBLIC RECORDS AND MEETINGS LAWS.—The
506 corporation is subject to the provisions of chapters 119 and 286
507 relating to public records and meetings, respectively.



Amendment No. 1

508 (7) STAFFING AND ASSISTANCE.-

509 (a) The corporation is authorized to hire or contract for
510 all staff necessary for the proper execution of its powers and
511 duties. All employees of the corporation shall comply with the
512 Code of Ethics for Public Officers and Employees under part III
513 of chapter 112. Corporation staff must agree to refrain from
514 having any direct interest in any contract, franchise,
515 privilege, project, program, or other benefit arising from an
516 award by the corporation during the term of their appointment
517 and for 2 years after the termination of such appointment.

518 (b) All agencies of the state are authorized and directed
519 to provide such technical assistance as the corporation may
520 require to identify programs within each agency which provide
521 assistance or benefits to veterans who are located in this state
522 or who are considering relocation to this state.

523 (c) The Department of Veterans' Affairs may authorize the
524 corporation's use of the department's property, facilities, and
525 personnel services, subject to this section. The department may
526 prescribe by contract any condition with which the corporation
527 must comply in order to use the department's property,
528 facilities, or personnel services.

529 (d) The department may not authorize the use of its
530 property, facilities, or personnel services if the corporation
531 does not provide equal employment opportunities to all persons
532 regardless of race, color, religion, sex, age, or national
533 origin.



Amendment No. 1

534 (8) REPORTS.—The corporation shall submit an annual
535 progress report and work plan by each December 1 to the
536 Governor, the President of the Senate, and the Speaker of the
537 House of Representatives. The report must include:

538 (a) Status and summary of findings regarding the target
539 market, veteran benefits, and any identified gaps in services.

540 (b) Status of the marketing campaign, delivery systems of
541 the marketing campaign, and outreach to the target market.

542 (c) Status of the Veterans Employment and Training
543 Services Program administered under s. 295.21.

544 (d) Proposed revisions or additions to performance
545 measurements for the programs administered by the corporation.

546 (e) Identification of contracts that the corporation has
547 entered into to carry out its duties.

548 (f) An annual compliance and financial audit of accounts
549 and records for the previous fiscal year prepared by an
550 independent certified public accountant in accordance with rules
551 adopted by the Auditor General.

552 (9) Any and all moneys and property held by the
553 corporation shall revert to the state if the corporation ceases
554 to exist.

555 Section 12. For the 2014-2015 fiscal year, the sum of
556 \$56,768 in recurring and \$4,258 in nonrecurring funds are
557 appropriated from the General Revenue Fund to the Department of
558 Veterans' Affairs and 1 full-time equivalent position and
559 associated salary rate of 36,350 is authorized to assist Florida



Amendment No. 1

560 Is For Veterans, Inc., in performing state financial activities.
561 The funds appropriated in this section shall be released in
562 accordance with the provisions of section 216.192, Florida
563 Statutes.

564 Section 13. For the 2014-2015 fiscal year, the sum of
565 \$344,106 in recurring funds and \$14,391 in nonrecurring funds
566 from the General Revenue Fund is appropriated to the Department
567 of Veterans' Affairs for the purpose of funding the costs for
568 start-up, staffing and general operations of the Florida Is For
569 Veterans, Inc. The funds appropriated in this section shall be
570 released in accordance with the provisions of section 216.192,
571 Florida Statutes.

572 Section 14. By February 1, 2018, the Office of Program
573 Policy Analysis and Government Accountability shall conduct a
574 performance audit of Florida Is For Veterans, Inc. The audit
575 shall assess the implementation and outcomes of activities under
576 ss. 295.20 and 295.21, Florida Statutes, and evaluate the
577 corporation's accomplishments and progress toward making Florida
578 a veteran-friendly state. The audit must provide recommendations
579 for any necessary improvements. The report of the audit's
580 findings shall be submitted to the President of the Senate and
581 the Speaker of the House of Representatives.

582 Section 15. Section 295.21, Florida Statutes, is created
583 to read:

584 295.21 Veterans Employment and Training Services Program.-



Amendment No. 1

585 (1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
586 that this state has a compelling interest in ensuring that each
587 veteran who is a resident of this state finds employment that
588 meets his or her professional goals and receives the training or
589 education necessary to meet those goals. The Legislature also
590 finds that connecting dedicated, well-trained veterans with
591 businesses that need a dedicated, well-trained workforce is of
592 paramount importance. The Legislature recognizes that veterans
593 may not currently have the skills to meet the workforce needs of
594 Florida employers and may require assistance in obtaining
595 additional workforce training or in transitioning their skills
596 to meet the demands of the marketplace. It is the intent of the
597 Legislature that the Veterans Employment and Training Services
598 Program coordinate and meet the needs of veterans and the
599 business community to enhance the economy of this state.

600 (2) CREATION.—The Veterans Employment and Training
601 Services Program is created within the Department of Veterans'
602 Affairs to assist in linking veterans in search of employment
603 with businesses seeking to hire dedicated, well-trained workers.
604 The purpose of the program is to meet the workforce demands of
605 Florida businesses by facilitating access to training and
606 education in high-demand fields for veterans.

607 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall
608 administer the Veterans Employment and Training Services Program
609 and perform all of the following functions:



Amendment No. 1

610 (a) Conduct marketing and recruiting efforts directed at
611 veterans who reside in or who have an interest in relocating to
612 this state and who are seeking employment. Marketing must
613 include information related to how a veteran's military
614 experience can be valuable to a business. Such efforts may
615 include attending veteran job fairs and events, hosting events
616 for veterans or the business community, and using digital and
617 social media and direct mail campaigns. The corporation shall
618 also include such marketing as part of its main marketing
619 campaign.

620 (b) Assist veterans who reside in or relocate to this
621 state and who are seeking employment. The corporation shall
622 offer skills assessments to veterans and assist them in
623 establishing employment goals and applying for and achieving
624 gainful employment.

625 1. Assessment may include skill match information, skill
626 gap analysis, resume creation, translation of military skills
627 into civilian workforce skills, and translation of military
628 achievements and experience to generally understood civilian
629 workforce skills.

630 2. Assistance may include providing the veteran with
631 information on current workforce demand by industry or
632 geographic region, creating employment goals, and aiding or
633 teaching general knowledge related to completing applications.
634 The corporation may provide information related to industry
635 certifications approved by the Department of Education under s.



Amendment No. 1

636 1008.44 as well as information related to earning academic
637 college credit at public postsecondary educational institutions
638 for college-level training and education acquired in the
639 military under s. 1004.096.

640 3. The corporation shall encourage veterans to register
641 with the state's job bank system and may refer veterans to local
642 one-stop career centers for further services. The corporation
643 shall provide each veteran with information about state
644 workforce programs and shall consolidate information about all
645 available resources on one website that, if possible, includes a
646 hyperlink to each resource's website and contact information, if
647 available. If appropriate, a veteran shall be encouraged to
648 participate in the Complete Florida Degree Program established
649 under s. 1006.735.

650 4. Assessment and assistance may be in person or by
651 electronic means, as determined by the corporation to be most
652 efficient and best meet the needs of veterans.

653 (c) Assist Florida businesses in recruiting and hiring
654 veterans. The corporation shall provide services to Florida
655 businesses to meet their hiring needs by connecting businesses
656 with suitable veteran applicants for employment. Suitable
657 applicants include veterans who have appropriate job skills or
658 may need additional training to meet a business's specific
659 needs. The corporation shall also provide information about the
660 state and federal benefits of hiring veterans.



Amendment No. 1

661 (d) Create a grant program to provide funding to assist
662 veterans in meeting the workforce-skill needs of businesses
663 seeking to hire veterans, establish criteria for approval of
664 requests for funding, and maximize the use of funding for this
665 program. Grant funds may be used only in the absence of
666 available veteran-specific federally funded programs. Grants may
667 fund specialized training specific to a particular business.

668 1. Grant funds may be allocated to any training provider
669 selected by the business, including a career center, a Florida
670 College System institution, a state university, or an in-house
671 training provider of the business. If grant funds are used to
672 provide a technical certificate, a licensure, or a degree, funds
673 may be allocated only upon a review that includes, but is not
674 limited to, accreditation and licensure documentation.
675 Instruction funded through the program must terminate when
676 participants demonstrate competence at the level specified in
677 the request; however, the grant term may not exceed 48 months.
678 Preference shall be given to target industry businesses, as
679 defined in s. 288.106, and to businesses in the defense supply,
680 cloud virtualization, or commercial aviation manufacturing
681 industries.

682 2. Costs and expenditures for the grant program must be
683 documented and separated from those incurred by the training
684 provider. Costs and expenditures shall be limited to \$8,000 per
685 veteran trainee. Eligible costs and expenditures include:

686 a. Tuition and fees;



Amendment No. 1

- 687 b. Curriculum development;
688 c. Books and classroom materials;
689 d. Rental fees for facilities at public colleges and
690 universities, including virtual training labs; and
691 e. Overhead or indirect costs not to exceed 5 percent of
692 the grant amount.
- 693 3. Before funds are allocated for a request pursuant to
694 this section, the corporation shall prepare a grant agreement
695 between the business requesting funds, the educational
696 institution or training provider receiving funding through the
697 program, and the corporation. Such agreement must include, but
698 need not be limited to:
- 699 a. Identification of the personnel necessary to conduct
700 the instructional program, the qualifications of such personnel,
701 and the respective responsibilities of the parties for paying
702 costs associated with the employment of such personnel.
- 703 b. Identification of the match provided by the business,
704 including cash and in-kind contributions, equal to at least 50
705 percent of the total grant amount.
- 706 c. Identification of the estimated duration of the
707 instructional program.
- 708 d. Identification of all direct, training-related costs.
709 e. Identification of special program requirements that are
710 not otherwise addressed in the agreement.
- 711 f. Permission to access aggregate information specific to
712 the wages and performance of participants upon the completion of



Amendment No. 1

713 instruction for evaluation purposes. The agreement must specify
714 that any evaluation published subsequent to the instruction may
715 not identify the employer or any individual participant.

716 4. A business may receive a grant under the Quick-Response
717 Training Program created under s. 288.047 and a grant under this
718 section for the same veteran trainee. If a business receives
719 funds under both programs, one grant agreement may be entered
720 into with Workforce Florida, Inc., as the grant administrator.

721 (e) Contract with one or more entities to administer an
722 entrepreneur initiative program for veterans in this state which
723 connects Florida's business leaders with veterans seeking to
724 become entrepreneurs.

725 1. The corporation shall award each contract in accordance
726 with the competitive bidding requirements in s. 287.057 to one
727 or more public or private universities that:

728 a. Demonstrate the ability to implement the program and
729 the commitment of university resources, including financial
730 resources, to such programs;

731 b. Have a military and veteran resource center;

732 c. Have a regional small business development center in
733 the Florida Small Business Development Center Network; and

734 d. As determined by the corporation, have been nationally
735 recognized for commitment to the military and veterans.

736 2. Each contract must include performance metrics,
737 including a focus on employment and business creation. Each
738 university must coordinate with any entrepreneurship center



Amendment No. 1

739 located at the university. The university may also work with an
740 entity offering related programs to refer veterans or to provide
741 services. The entrepreneur initiative program may include
742 activities and assistance such as peer-to-peer learning
743 sessions, mentoring, technical assistance, business roundtables,
744 networking opportunities, support of student organizations,
745 speaker series, or other tools within a virtual environment.

746 (4) Florida Is For Veterans, Inc., shall submit a report
747 to the Legislative Budget Commission, through the Florida
748 Department of Veterans' Affairs, in accordance with the
749 provisions of section 216.177, Florida Statutes, that provides a
750 plan for the general operations of the corporation, including
751 the fulfillment of the corporation's purpose, duties, and goals
752 as provided in this Act. The report shall include specific
753 performance measures by which the corporation and its functions
754 shall be evaluated. The report shall include details of the
755 corporation's existing expenditures and obligations, as well as
756 a budget and timelines for expected expenditures related both to
757 general operations and to products, services, and grants to be
758 provided under programs the corporation is charged with
759 administering. The Legislative Budget Commission approval of
760 measures is required prior to expending any funds for the duties
761 required under this section. The report shall be submitted to
762 the President of the Senate, the Speaker of the House of
763 Representatives, and the chair and vice chair of the Legislative
764 Budget Commission by August 15, 2014.



Amendment No. 1

765 (5) DUTIES OF ENTERPRISE FLORIDA, INC.—Enterprise Florida,
766 Inc., shall provide information about the corporation and its
767 services to prospective, new, expanding, and relocating
768 businesses seeking to conduct business in this state. Enterprise
769 Florida, Inc., shall, to the greatest extent possible,
770 collaborate with the corporation to meet the employment needs,
771 including meeting job creation requirements, of any business
772 receiving assistance or services from Enterprise Florida, Inc.

773 Section 16. Section 295.22, Florida Statutes, is created
774 to read:

775 295.22 Veterans Research and Marketing Campaign -

776 (1) The Tourism Industry Marketing Corporation shall:

777 (a) Provide input to Florida Is For Veterans, Inc., on
778 research to identify the target market and the educational and
779 employment needs of those in the target market.

780 (b) Develop and conduct a marketing campaign to encourage
781 retired and recently separated military personnel to remain in
782 Florida or to make Florida their permanent residence.

783 (c) Develop a process for the dissemination of information
784 to the target market and targeting that information to the
785 interests and needs of veterans of all ages, and which
786 facilitates veterans' knowledge of and access to benefits.

787 (2) The Tourism Industry Marketing Corporation shall seek
788 advice from Florida Is For Veterans, Inc., on the scope, process
789 and focus of the marketing campaign. Input must be received
790 prior to any invitations to bid, requests for proposals, or



Amendment No. 1

791 invitations to negotiate for contracted services. Florida Is For
792 Veterans, Inc., shall be kept informed at each stage of the
793 marketing campaign and may provide recommendations to the
794 Tourism Industry Marketing Corporation to ensure that the effort
795 effectively reaches veterans.

796 (3) For the purposes of this section, the Tourism Industry
797 Marketing Corporation shall expend \$1,000,000 annually on
798 marketing Florida to veterans as a permanent home and on
799 information dissemination to improve veterans' knowledge of and
800 access to benefits through a combination of existing funds
801 appropriated to the Tourism Industry Marketing Corporation by
802 the Legislature and private funds. For Fiscal Year 2014-2015,
803 the Tourism Industry Marketing Corporation shall provide Florida
804 Is For Veterans, Inc., \$300,000 to conduct market research
805 pursuant to 295.20(3)(a).

806 (4) The Tourism Industry Marketing Corporation and Florida
807 Is For Veterans, Inc., shall jointly develop, and submit to the
808 Legislative Budget Commission, through the Department of
809 Economic Opportunity and in accordance with the provisions of s.
810 216.177, specific performance measures by which the research and
811 marketing campaign shall be evaluated. The Tourism Industry
812 Marketing Corporation and Florida Is For Veterans, Inc. shall
813 jointly submit, through the Department of Economic Opportunity,
814 the report to the President of the Senate, the Speaker of the
815 House of Representatives, and the chair and vice chair of the
816 Legislative Budget Commission by August 15, 2014. The



Amendment No. 1

817 Legislative Budget Commission approval of measures is required
818 prior to expending any funds for the duties required under this
819 section.

820 Section 17. By February 2, 2016, Florida Is For Veterans,
821 Inc., shall submit a report to the Governor, the President of
822 the Senate, and the Speaker of the House of Representatives
823 identifying existing gaps in veteran resources and recommending
824 best practices that may be employed in assisting veterans and
825 improvements to current or new resources and programs.

826 Section 18. Paragraph (b) of subsection (2) of section
827 296.06, Florida Statutes, is amended to read:

828 296.06 State policy; eligibility requirements.—

829 (2) To be eligible for residency in the home, a veteran
830 must:

831 (b) ~~Have been a resident of the state for 1 year~~
832 ~~immediately preceding application and~~ Be a resident of the state
833 at the time of application.

834 Section 19. Paragraph (b) of subsection (1) of section
835 296.36, Florida Statutes, is amended to read:

836 296.36 Eligibility and priority of admittance.—

837 (1) To be eligible for admittance to the home, the person
838 must be a veteran as provided in s. 1.01(14) or have eligible
839 peacetime service as defined in s. 296.02 and must:

840 (b) Be ~~Have been~~ a resident of the state ~~for 1 year~~
841 ~~immediately preceding, and~~ at the time of application for,
842 admission to the home.



Amendment No. 1

843 Section 20. Section 322.031, Florida Statutes, is amended
844 to read:

845 322.031 Nonresident; when license required.-

846 (1) In each every case in which a nonresident, except a
847 nonresident migrant or seasonal farm worker as defined in s.
848 316.003(61), accepts employment or engages in any trade,
849 profession, or occupation in this state or enters his or her
850 children to be educated in the public schools of this state,
851 such nonresident shall, within 30 days after beginning the
852 ~~commencement~~ of such employment or education, be required to
853 obtain a Florida driver ~~driver's~~ license if such nonresident
854 operates a motor vehicle on the highways of this state. The
855 spouse or dependent child of such nonresident shall also be
856 required to obtain a Florida driver ~~driver's~~ license within that
857 30-day period before ~~prior to~~ operating a motor vehicle on the
858 highways of this state.

859 (2) A member of the United States Armed Forces on active
860 duty in this state, his or her spouse, or a dependent residing
861 with him or her, is shall not be required to obtain or display a
862 Florida driver ~~driver's~~ license if he or she is in possession of
863 a valid military identification card and either a valid driver
864 license or learner's permit issued by another state, or a valid
865 military driving permit. Such a person is not required to obtain
866 or display a Florida driver license under this section solely
867 because he or she enters his or her children to be educated in
868 the public schools of this state or because he or she accepts



Amendment No. 1

869 employment or engages in a trade, profession, or occupation in
870 this state if he or she has a valid military driving permit or a
871 valid driver's license issued by another state.

872 (3) A nonresident who is domiciled in another state and
873 who commutes into this state in order to work is shall not be
874 required to obtain a Florida driver driver's license under this
875 section solely because he or she has accepted employment or
876 engages in a any trade, profession, or occupation in this state
877 if he or she has a valid driver driver's license issued by
878 another state. Further, a any person who is enrolled as a
879 student in a college or university and who is a nonresident but
880 is in this state for a period of up to 6 months engaged in a
881 work-study program for which academic credits are earned from a
882 college whose credits or degrees are accepted for credit by at
883 least three accredited institutions of higher learning, as
884 defined in s. 1005.02, is shall not be required to obtain a
885 Florida driver driver's license for the duration of the work-
886 study program if such person has a valid driver driver's license
887 issued by another state. A Any nonresident who is enrolled as a
888 full-time student in any such institution of higher learning is
889 also exempt from the requirement of obtaining a Florida driver
890 driver's license for the duration of such enrollment.

891 (4) A nonresident who is at least 21 years of age and who
892 has in his or her immediate possession a valid commercial driver
893 driver's license issued in substantial compliance with the
894 Commercial Motor Vehicle Safety Act of 1986 may operate a motor



Amendment No. 1

895 vehicle of the type permitted by his or her license to be
896 operated in this state.

897 Section 21. Subsection (5) of section 322.121, Florida
898 Statutes, is amended to read:

899 322.121 Periodic reexamination of all drivers.—

900 (5) A member ~~Members~~ of the United States Armed Forces,
901 his or her spouse, or a dependent ~~their dependents~~ residing with
902 him or her ~~them~~, shall be granted an automatic extension for the
903 expiration of his or her ~~their~~ Class E license ~~licenses~~ without
904 reexamination while the member of the United States Armed Forces
905 is serving on active duty outside this state. This extension is
906 valid for 90 days after the member of the United States Armed
907 Forces is either discharged or returns to this state to live.

908 Section 22. Subsection (12) of section 455.213, Florida
909 Statutes, is amended to read:

910 455.213 General licensing provisions.—

911 (12) The department shall waive the initial licensing fee,
912 the initial application fee, and the initial unlicensed activity
913 fee for a military veteran or his or her spouse at the time of
914 discharge, if he or she ~~who~~ applies to the department for a
915 license, in a format prescribed by the department, within 60 ~~24~~
916 months after the veteran is discharged ~~discharge~~ from any branch
917 of the United States Armed Forces. To qualify for this waiver,
918 the veteran must have been honorably discharged.

919 Section 23. Subsection (13) of section 456.013, Florida
920 Statutes, is amended to read:



Amendment No. 1

921 456.013 Department; general licensing provisions.—

922 (13) The department shall waive the initial licensing fee,
923 the initial application fee, and the initial unlicensed activity
924 fee for a military veteran or his or her spouse at the time of
925 discharge, if he or she ~~who~~ applies to the department for an
926 initial license within 60 24 months after the veteran is being
927 honorably discharged from any branch of the United States Armed
928 Forces. The applicant must apply for the fee waiver using a form
929 prescribed by the department and must submit supporting
930 documentation as required by the department.

931 Section 24. Subsection (3) of section 456.024, Florida
932 Statutes, is renumbered as subsection (4), respectively, and
933 subsection (3) is added to that section, to read:

934 456.024 Members of Armed Forces in good standing with
935 administrative boards or the department; spouses; licensure.—

936 (3) A person who serves or has served as a health care
937 practitioner in the United States Armed Forces, including its
938 Reserve and National Guard components, and a person who serves
939 or has served on active duty with the United States Armed Forces
940 as a health care practitioner in the United States Public Health
941 Service, is eligible for licensure in this state. The department
942 shall develop an application form and each board, or the
943 department if there is no board, shall waive the application
944 fee, licensure fee, and unlicensed activity fee for such
945 applicants. For purposes of this subsection, "health care
946 practitioner" means a health care practitioner as defined in s.



Amendment No. 1

947 456.001, and any person licensed under part III of chapter 401
948 or part IV of chapter 468.

949 (a) The board, or department if there is no board, shall
950 issue a license to practice in this state to any person who:

951 1. Submits a complete application;

952 2. Received or will receive an honorable discharge within 6
953 months of the date of submission;

954 3. Holds an active, unencumbered license issued by another
955 state, the District of Columbia, or a possession or territory of
956 the United States, and no disciplinary action has been taken
957 against the license in the 5 years prior to submission;

958 4. Attests that the applicant is not, at the time of
959 submission, the subject of a disciplinary proceeding in any
960 jurisdiction in which the applicant holds a license, or by the
961 Department of Defense, for reasons related to the practice of
962 the profession for which the applicant is applying;

963 5. Actively practiced the profession for which the
964 applicant is applying for the 3 years prior to the date of
965 submission;

966 6. Submits a set of fingerprints for use as defined in s.
967 456.0135, if required for the profession for which the applicant
968 is applying.

969

970 The department shall verify information submitted by the
971 applicant under this subsection using the National Practitioner
972 Data Bank.



Amendment No. 1

973 (b) Each applicant who meets the requirements of this
974 subsection shall be licensed with all rights and
975 responsibilities as defined by law. The applicable board, or
976 department if there is no board, may deny an application if the
977 applicant has been convicted of or pled nolo contendere to,
978 regardless of adjudication, any felony or misdemeanor related to
979 the practice of a health care profession regulated by this
980 state.

981 (c) An applicant for initial licensure under this
982 subsection must submit the information required by s. 456.039(1)
983 and 456.0391(1) no later than one year after the license is
984 issued.

985 Section 25. Subsections (3) through (5) of section
986 458.315, Florida Statutes, are renumbered as subsections (2)
987 through (4), respectively, and subsections (1) and (2) of that
988 section, are amended to read:

989 458.315 Temporary certificate for practice in areas of
990 critical need.—

991 ~~(1) A certificate issued pursuant to this section may be~~
992 ~~eited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~
993 ~~Certificate for Practice in Areas of Critical Need."~~

994 (1)(2) Any physician who:

995 ~~(a) Is licensed to practice in any jurisdiction in the~~
996 ~~United States and whose license is currently valid, or~~

997 ~~(b) Has served as a physician in the United States Armed~~
998 ~~Forces for at least 10 years and received an honorable discharge~~



Amendment No. 1

999 ~~from the military;~~

1000

1001 and who pays an application fee of \$300 may be issued a
1002 temporary certificate for practice in areas of critical need.

1003 Section 26. Section 458.3151, Florida Statutes, is created
1004 to read:

1005 458.3151 Temporary certificate for active duty military
1006 and veterans practicing in areas of critical need.-

1007 (1) A certificate issued pursuant to this section may be
1008 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
1009 Certificate for Practice in Areas of Critical Need."

1010 (2) The board may issue a temporary certificate to a
1011 physician who complies with subsection (3) and who will:

1012 (a) Practice in an area of critical need;

1013 (b) Be employed by or practice in a county health
1014 department; correctional facility; Department of Veterans'
1015 Affairs clinic; community health center funded by s. 329, s.
1016 330, or s. 340 of the United States Public Health Services Act;
1017 or other agency or institution that is approved by the State
1018 Surgeon General and provides health care to meet the needs of
1019 underserved populations in this state; or

1020 (c) Practice for a limited time to address critical
1021 physician-specialty, demographic, or geographic needs for this
1022 state's physician workforce as determined by the State Surgeon
1023 General.

1024 (3) To be eligible for a temporary certificate, a



Amendment No. 1

- 1025 physician must submit to the board:
- 1026 (a) A complete application.
- 1027 (b) Proof of an active and valid license to practice in a
1028 jurisdiction in the United States.
- 1029 (c) If on active duty, a letter from the physician's
1030 military command authorizing the physician to practice medicine
1031 at an approved entity in an area of critical need.
- 1032 (d) Documentation demonstrating the physician is serving
1033 on active duty in the United States Armed Forces as a
1034 commissioned medical officer or has served as a commissioned
1035 medical officer in the United States Armed Forces for at least
1036 10 years and received an honorable discharge from the military.
- 1037 (4) The board shall use a simplified application for a
1038 temporary certificate for practice in areas of critical need to
1039 reduce administrative impediments and maximize participation.
- 1040 (5) The application fee and all licensure fees, including
1041 neurological injury compensation assessments, shall be waived
1042 for an applicant obtaining a temporary certificate to practice
1043 in areas of critical need for the purpose of providing
1044 volunteer, uncompensated care for low-income residents. The
1045 applicant must submit an affidavit from the employing agency or
1046 institution stating that the physician will not receive any
1047 compensation for any service involving the practice of medicine.
- 1048 (6) (a) Within 60 days after receipt of a complete
1049 application for a temporary certificate, the board shall review
1050 the application and associated documentation and:



Amendment No. 1

1051 1. Issue the temporary certificate;
1052 2. Deny the temporary certificate; or
1053 3. Require the applicant to complete additional
1054 assessment, training, education, or other requirements as a
1055 condition of certification. The board shall issue a temporary
1056 certificate upon receipt of documentation demonstrating that the
1057 requirements of the board have been met.

1058 (b) If an applicant has not actively practiced medicine
1059 during the prior 3 years and the board determines the applicant
1060 may lack clinical competency, possess diminished or inadequate
1061 skills, lack necessary medical knowledge, or exhibit patterns of
1062 deficits in clinical decisionmaking, the board may, within 10
1063 days after receipt of a complete application:

1064 1. Deny the application;
1065 2. Issue a temporary certificate having reasonable
1066 restrictions, including, but not limited to, a requirement that
1067 the applicant practice under the supervision of a physician
1068 approved by the board; or

1069 3. Issue a temporary certificate upon receipt of
1070 documentation confirming that the applicant has met any
1071 reasonable conditions of the board, including, but not limited
1072 to, completing continuing education or undergoing an assessment
1073 of skills and training.

1074 (c) The board may not issue a temporary certificate for
1075 practice in areas of critical need to a physician who is under
1076 investigation in any jurisdiction in the United States for an



Amendment No. 1

1077 act that would constitute a violation of this chapter until such
1078 time as the investigation is complete, at which time the
1079 provisions of s. 458.331 apply.

1080 (7) The recipient of a temporary certificate for practice
1081 in areas of critical need shall, within 30 days after accepting
1082 employment, notify the board of all approved institutions in
1083 which the licensee practices and of all approved institutions
1084 where practice privileges have been denied. A physician holding
1085 a temporary certificate for practice in areas of critical need
1086 may enter into a contract to provide volunteer health care
1087 services pursuant to s. 766.1115.

1088 (8) A temporary certificate issued under this section is
1089 valid only so long as the State Surgeon General determines that
1090 the reason for which it was issued remains a critical need to
1091 the state. The board shall review each temporary
1092 certificateholder at least annually to ascertain compliance with
1093 the minimum requirements of this section and with this chapter
1094 and its adopted rules. If it is determined that such minimum
1095 requirements are not being met, the board shall revoke such
1096 certificate or shall impose restrictions or conditions, or both,
1097 as a condition of continued practice under the certificate.

1098 Section 27. Subsections (3) through (5) of section
1099 459.0076, Florida Statutes, are renumbered as subsections (2)
1100 through (4), respectively, and subsections (1) and (2) of that
1101 section are, amended to read:

1102 459.0076 Temporary certificate for practice in areas of



Amendment No. 1

1103 critical need.-

1104 ~~(1) A certificate issued pursuant to this section may be~~
1105 ~~cited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~
1106 ~~Certificate for Practice in Areas of Critical Need."~~

1107 ~~(1)(2) Any physician who:~~

1108 ~~(a) Is licensed to practice in any jurisdiction in the~~
1109 ~~United States and whose license is currently valid; or~~

1110 ~~(b) Has served as a physician in the United States Armed~~
1111 ~~Forces for at least 10 years and received an honorable discharge~~
1112 ~~from the military;~~

1113

1114 and who pays an application fee of \$300 may be issued a
1115 temporary certificate for practice in areas of critical need.

1116 Section 28. Section 459.00761, Florida Statutes, is
1117 created to read:

1118 459.00761 Temporary certificate for active duty military
1119 and veterans practicing in areas of critical need.-

1120 (1) A certificate issued pursuant to this section may be
1121 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
1122 Certificate for Practice in Areas of Critical Need."

1123 (2) The board may issue a temporary certificate to a
1124 physician who complies with subsection (3) and who will:

1125 (a) Practice in an area of critical need;

1126 (b) Be employed by or practice in a county health
1127 department; correctional facility; Department of Veterans'
1128 Affairs clinic; community health center funded by s. 329, s.



Amendment No. 1

1129 330, or s. 340 of the United States Public Health Services Act;
1130 or other agency or institution that is approved by the State
1131 Surgeon General and provides health care to meet the needs of
1132 underserved populations in this state; or

1133 (c) Practice for a limited time to address critical
1134 physician-specialty, demographic, or geographic needs for this
1135 state's physician workforce as determined by the State Surgeon
1136 General.

1137 (3) To be eligible for a temporary certificate, a
1138 physician must submit to the board:

1139 (a) A complete application.

1140 (b) Proof of an active and valid license to practice in
1141 any jurisdiction in the United States.

1142 (c) If on active duty, a letter from the physician's
1143 military command authorizing the physician to practice medicine
1144 at an approved entity in an area of critical need.

1145 (d) Documentation demonstrating the physician is serving
1146 on active duty in the United States Armed Forces as a
1147 commissioned medical officer or has served as a commissioned
1148 medical officer in the United States Armed Forces for at least
1149 10 years and received an honorable discharge from the military.

1150 (4) The board shall use a simplified application for a
1151 temporary certificate for practice in areas of critical need to
1152 reduce administrative impediments and maximize participation.

1153 (5) The application fee and all licensure fees, including
1154 neurological injury compensation assessments, shall be waived



Amendment No. 1

1155 for an applicant obtaining a temporary certificate to practice
1156 in areas of critical need for the purpose of providing
1157 volunteer, uncompensated care for low-income residents. The
1158 applicant must submit an affidavit from the employing agency or
1159 institution stating that the physician will not receive any
1160 compensation for any service involving the practice of medicine.

1161 (6) (a) Within 60 days after receipt of a complete
1162 application for a temporary certificate, the board shall review
1163 the application and associated documentation and:

1164 1. Issue the temporary certificate;
1165 2. Deny the temporary certificate; or
1166 3. Require the applicant to complete additional
1167 assessment, training, education, or other requirements as a
1168 condition of certification. The board shall issue a temporary
1169 certificate upon receipt of documentation demonstrating that the
1170 requirements of the board have been met.

1171 (b) If an applicant has not actively practiced medicine
1172 during the prior 3 years and the board determines the applicant
1173 may lack clinical competency, possess diminished or inadequate
1174 skills, lack necessary medical knowledge, or exhibit patterns of
1175 deficits in clinical decisionmaking, the board may, within 10
1176 days after receipt of a complete application:

1177 1. Deny the application;
1178 2. Issue a temporary certificate having reasonable
1179 restrictions, including, but not limited to, a requirement that
1180 the applicant practice under the supervision of a physician



Amendment No. 1

1181 approved by the board; or

1182 3. Issue a temporary certificate upon receipt of
1183 documentation confirming that the applicant has met any
1184 reasonable conditions of the board, including, but not limited
1185 to, completing continuing education or undergoing an assessment
1186 of skills and training.

1187 (c) The board may not issue a temporary certificate for
1188 practice in areas of critical need to a physician who is under
1189 investigation in any jurisdiction in the United States for an
1190 act that would constitute a violation of this chapter until such
1191 time as the investigation is complete, at which time the
1192 provisions of s. 459.015 apply.

1193 (7) The recipient of a temporary certificate for practice
1194 in areas of critical need shall, within 30 days after accepting
1195 employment, notify the board of all approved institutions in
1196 which the licensee practices and of all approved institutions
1197 where practice privileges have been denied. A physician holding
1198 a temporary certificate for practice in areas of critical need
1199 may enter into a contract to provide volunteer health care
1200 services pursuant to s. 766.1115.

1201 (8) A temporary certificate issued under this section is
1202 valid as long as the State Surgeon General determines that the
1203 reason for which it was issued remains a critical need to the
1204 state. The board shall review each temporary certificateholder
1205 at least annually to ascertain compliance with the minimum
1206 requirements of this section and with this chapter and its



Amendment No. 1

1207 adopted rules. If it is determined that such minimum
1208 requirements are not being met, the board shall revoke such
1209 certificate or shall impose restrictions or conditions, or both,
1210 as a condition of continued practice under the certificate.

1211 Section 29. Subsection (1) of section 468.304, Florida
1212 Statutes, is amended to read:

1213 468.304 Certification.—The department shall certify any
1214 applicant who meets the following criteria:

1215 (1) Pays to the department a nonrefundable fee that may
1216 not exceed \$100, plus the actual per-applicant cost to the
1217 department for purchasing the examination from a national
1218 organization. The department shall waive the initial application
1219 fee for a military veteran or his or her spouse at the time of
1220 discharge, if he or she who applies to the department for an
1221 initial certification within 60 24 months after the veteran is
1222 being honorably discharged from any branch of the United States
1223 Armed Forces. The applicant must apply for the fee waiver using
1224 a form prescribed by the department and must submit supporting
1225 documentation as required by the department. This waiver does
1226 not include the fee for purchasing the examination from a
1227 national organization.

1228
1229 The department may not certify any applicant who has committed
1230 an offense that would constitute a violation of any of the
1231 provisions of s. 468.3101 or applicable rules if the applicant
1232 had been certified by the department at the time of the offense.



Amendment No. 1

1233 An application for a limited computed tomography certificate may
1234 not be accepted. A person holding a valid computed tomography
1235 certificate as of October 1, 1984, is subject to s. 468.309.

1236 Section 30. Paragraph (b) of subsection (16) of section
1237 499.012, Florida Statutes, is amended to read:

1238 499.012 Permit application requirements.-

1239 (16)

1240 (b) To be certified as a designated representative, a
1241 natural person must:

1242 1. Submit an application on a form furnished by the
1243 department and pay the appropriate fees.†

1244 2. Be at least 18 years of age.†

1245 3. Have at least ~~not less than~~ 2 years of verifiable full-
1246 time:

1247 a. Work experience in a pharmacy licensed in this state or
1248 another state, where the person's responsibilities included, but
1249 were not limited to, recordkeeping for prescription drugs; ~~or~~
1250 ~~have not less than 2 years of verifiable full time~~

1251 b. Managerial experience with a prescription drug
1252 wholesale distributor licensed in this state or in another
1253 state; or

1254 c. Managerial experience with the United States Armed
1255 Forces, where the person's responsibilities included, but were
1256 not limited to, recordkeeping, warehousing, distribution, or
1257 other logistics services pertaining to prescription drugs.†

1258 4. Receive a passing score of at least 75 percent on an



Amendment No. 1

1259 examination given by the department regarding federal laws
1260 governing distribution of prescription drugs and this part and
1261 the rules adopted by the department governing the wholesale
1262 distribution of prescription drugs. This requirement shall be
1263 effective 1 year after the results of the initial examination
1264 are mailed to the persons that took the examination. The
1265 department shall offer such examinations at least four times
1266 each calendar year. ~~and~~

1267 5. Provide the department with a personal information
1268 statement and fingerprints pursuant to subsection (9).

1269 Section 31. Subsections (1) through (27) of section
1270 1002.33, Florida Statutes, are renumbered as Subsections (3)
1271 through (29) respectively, and new Subsections (1) and (2) are
1272 added to that section, to read:

1273 1002.33 Charter schools.-

1274 (1) FINDINGS.-- The Legislature finds that:

1275 (a) Military families face unique challenges due to the
1276 highly mobile nature of military service.

1277 (b) Among the many challenges military families face is
1278 providing a high-quality education for their children without
1279 disruption.

1280 (c) The state has a compelling interest in assisting the
1281 development and enhancement of learning opportunities for
1282 military children and addressing their unique needs.

1283 (2) INTENT.-- It is the intent of the Legislature that:



Amendment No. 1

1284 (a) There be established a framework to address the needs
1285 of military children who, along with their families, face unique
1286 challenges due to the highly mobile nature of military service.

1287 (b) In establishing this framework, the Legislature finds
1288 it necessary to encourage military installation commanders to
1289 collaboratively work with the Commissioner of Education to
1290 increase military family student achievement, which may include
1291 the establishment of charter schools on military installations.

1292 (c) While the State Board of Education, through the
1293 Commissioner of Education, shall supervise this collaboration,
1294 the applicable school district shall operate and maintain
1295 control over any school that is established on the military
1296 installation.

1297 Section 32. For the purpose of incorporating the amendment
1298 made by this act to section 295.07, Florida Statutes, in a
1299 reference thereto, paragraph (f) of subsection (4) of section
1300 1002.36, Florida Statutes, is reenacted to read:

1301 1002.36 Florida School for the Deaf and the Blind.—

1302 (4) BOARD OF TRUSTEES.—

1303 (f) The board of trustees shall:

1304 1. Prepare and submit legislative budget requests for
1305 operations and fixed capital outlay, in accordance with chapter
1306 216 and ss. 1011.56 and 1013.60, to the Department of Education
1307 for review and approval. The department must analyze the amount
1308 requested for fixed capital outlay to determine if the request
1309 is consistent with the school's campus master plan, educational



Amendment No. 1

1310 plant survey, and facilities master plan. Projections of
1311 facility space needs may exceed the norm space and occupant
1312 design criteria established in the State Requirements for
1313 Educational Facilities.

1314 2. Approve and administer an annual operating budget in
1315 accordance with ss. 1011.56 and 1011.57.

1316 3. Require all funds received other than gifts, donations,
1317 bequests, funds raised by or belonging to student clubs or
1318 student organizations, and funds held for specific students or
1319 in accounts for individual students to be deposited in the State
1320 Treasury and expended as authorized in the General
1321 Appropriations Act.

1322 4. Require all purchases to be in accordance with the
1323 provisions of chapter 287 except for purchases made with funds
1324 received as gifts, donations, or bequests; funds raised by or
1325 belonging to student clubs or student organizations; or funds
1326 held for specific students or in accounts for individual
1327 students.

1328 5. Administer and maintain personnel programs for all
1329 employees of the board of trustees and the Florida School for
1330 the Deaf and the Blind who shall be state employees, including
1331 the personnel classification and pay plan established in
1332 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
1333 academic and academic administrative personnel, the provisions
1334 of chapter 110, and the provisions of law that grant authority



Amendment No. 1

1335 to the Department of Management Services over such programs for
1336 state employees.

1337 6. Give preference in appointment and retention in
1338 positions of employment as provided within s. 295.07(1).

1339 7. Ensure that the Florida School for the Deaf and the
1340 Blind complies with s. 1013.351 concerning the coordination of
1341 planning between the Florida School for the Deaf and the Blind
1342 and local governing bodies.

1343 8. Ensure that the Florida School for the Deaf and the
1344 Blind complies with s. 112.061 concerning per diem and travel
1345 expenses of public officers, employees, and authorized persons
1346 with respect to all funds other than funds received as gifts,
1347 donations, or bequests; funds raised by or belonging to student
1348 clubs or student organizations; or funds held for specific
1349 students or in accounts for individual students.

1350 9. Adopt a master plan which specifies the mission and
1351 objectives of the Florida School for the Deaf and the Blind. The
1352 plan shall include, but not be limited to, procedures for
1353 systematically measuring the school's progress toward meeting
1354 its objectives, analyzing changes in the student population, and
1355 modifying school programs and services to respond to such
1356 changes. The plan shall be for a period of 5 years and shall be
1357 reviewed for needed modifications every 2 years. The board of
1358 trustees shall submit the initial plan and subsequent
1359 modifications to the Speaker of the House of Representatives and
1360 the President of the Senate.



Amendment No. 1

1361 10. Designate a portion of the school as "The Verle Allyn
1362 Pope Complex for the Deaf," in tribute to the late Senator Verle
1363 Allyn Pope.

1364 Section 33. Subsection (12) is added to section 1009.26,
1365 Florida Statutes, to read:

1366 1009.26 Fee waivers.—

1367 (12) (a) There is established the Congressman C. W. Bill
1368 Young Veteran Tuition Waiver Program. A state university or
1369 Florida College System institution shall waive out-of-state fees
1370 for an honorably discharged veteran of the United States Armed
1371 Forces, the United States Reserve Forces, or the National Guard
1372 who physically resides in this state while enrolled in the
1373 institution. Tuition and fees charged to a veteran who qualifies
1374 for the out-of-state fee waiver under this subsection may not
1375 exceed the tuition and fees charged to a resident student. The
1376 waiver is applicable for 110 percent of the required credit
1377 hours of the degree or certificate program for which the student
1378 is enrolled. Each state university and Florida College System
1379 institution shall report to the Board of Governors and the State
1380 Board of Education, respectively, the number and value of all
1381 fee waivers granted annually under this subsection.

1382 (b) This subsection may be cited as the "Congressman C.W.
1383 Bill Young Tuition Waiver Act."

1384 Section 34. For the 2014-2015 fiscal year, the sum of
1385 \$12.5 million in nonrecurring funds is appropriated from the
1386 General Revenue Fund to the Department of Military Affairs for



Amendment No. 1

1387 the purpose of continuing renovations to state readiness centers
1388 to meet state and federal building codes.

1389 Section 35. For the 2014-2015 fiscal year, the sum of
1390 \$7,489,975 million in nonrecurring funds is appropriated from
1391 the General Revenue Fund to the Department of Environmental
1392 Protection to allow the Board of Trustees of the Internal
1393 Improvement Trust Fund to acquire, pursuant to s. 288.980,
1394 Florida Statutes, nonconservation land adjacent to the following
1395 installations for the purpose of securing and protecting the
1396 installations against encroachment:

- 1397 (1) MacDill Air Force Base.
1398 (2) Naval Support Activity Panama City.
1399 (3) Naval Station Mayport

1400 Section 36. Except as otherwise expressly provided in this
1401 act and except for this section, which shall take effect upon
1402 this act becoming a law, this act shall take effect July 1,
1403 2014.

1404