



Veteran & Military Affairs Subcommittee

Monday, January 13, 2014
4:00 PM – 6:00 PM
102 HOB

Meeting Packet

Will Weatherford
Speaker

Ronald Renuart
Chair



The Florida House of Representatives

Veterans & Military Affairs Subcommittee

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Meeting Agenda
Monday, January 13, 2014
Room 102, Reed Hall
04:00 p.m. – 06:00 p.m.

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. PCB VMAS 14-01 – Military and Veteran Support**
- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB VMAS 14-01 Veteran and Military Support
SPONSOR(S): Veteran & Military Affairs Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|--------|------------------|--|
| Orig. Comm.: Veteran & Military Affairs Subcommittee | | Dugan <i>(D)</i> | Kiner <i>KK</i> |

SUMMARY ANALYSIS

Proposed Committee Bill VMAS 14-01 amends and revises Florida law administered by the Florida Department of Military Affairs (FDMA) and the Florida Department of Veterans' Affairs (FDVA). In addition to technical and conforming changes, the bill:

- revises the Florida National Guard's Educational Dollars for Duty program;
- updates state law to adopt the most recent version of the federal Manual for Courts-Martial for use by the Florida National Guard;
- creates the Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden;
- revises Florida's veterans' preference in employment statutes;
- revises the residency requirements for admission to the Florida State Veterans' Domiciliary Home and the state veterans' nursing homes;
- revises the Florida Department of Business and Professional Regulation licensure fee waiver program for veterans, and includes spouses of veterans;
- revises the Florida Department of Business and Professional Regulation application requirements for a license to become a certified designated representative (CDR) for a prescription drug wholesale distributor; and
- waives the out-of-state tuition and fee charges for honorably discharged veterans attending a higher education institution within the Florida College System or the State University System of Florida.

The Proposed Committee Bill has an indeterminate fiscal impact on state and local government revenues and expenditures (See the Fiscal Analysis Section).

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Online Educational Dollars for Duty (Section 1)

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 of Florida.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 in 2012 were \$1,781,900. During the 2012-2013 school year, approximately 1,054 members used the EDD program.⁵

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;

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 November 13, 2013).

³ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last viewed November 13, 2013).

⁴ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last viewed November 13, 2013).

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

⁶ s. 250.10(7), F.S.

⁷ s. 250.10(7)(b)2., F.S.

⁸ s. 250.10(7)(b)2., F.S.

⁹ s. 250.10(7)(b)2., F.S.

¹⁰ s. 250.10(8), F.S.

¹¹ s. 250.10(8), F.S.

¹² s. 250.10(8), F.S.

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

- 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:

- 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 shall reimburse the FDMA all tuition charges and student fees for the academic term for which the member received payment;
- if a Guard member leaves the Guard during the period specified in the member's enlistment or reenlistment contract, the Guard member shall 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;
- 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;
- 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.¹⁶

Pursuant to Florida law, any student enrolled at a state college or university shall not incur academic or financial penalties by virtue of performing military service on behalf of our 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 of Florida and are taking an online course at its public universities is unknown.

¹⁴ s. 250.10(7)(c), F.S.

¹⁵ s. 250.10(7)(c), F.S.

¹⁶ s. 250.10(8)(b)1.-4., F.S.

¹⁷ s. 1004.07, F.S.

¹⁸ s. 1004.07, F.S.

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

²⁰ Parthenon Group Summary: Post-Secondary Online Expansion in Florida, November 12, 2012.

The University of Florida (UF), by virtue of its designation as a preeminent state research university,²¹ will host and administer an institute for online learning (UF Online) which will offer "high-quality, fully online baccalaureate degree programs at an affordable cost."²² With \$10 million in nonrecurring funds and \$5 million in recurring funds appropriated from the Florida Legislature, UF Online will launch in January of 2014.²³

UF Online will offer undergraduate degree programs that are completely online, with the exception of those courses that require clinical or laboratory accommodations.²⁴ UF Online will utilize the same faculty²⁵ and adhere to the same admissions requirements as the equivalent on-campus programs.²⁶ Further, the curriculum will be of an equivalent rigor as on-campus programs.²⁷

By law, the initial tuition for UF Online is capped at no more than 75 percent of the in-state rate for residents (\$112 per credit hour).²⁸

Within 10 years, UF Online expects to serve more than 24,000 online students in 35 majors.²⁹ The following programs have been chosen to launch in January of 2014 based upon the availability of courses that are ready for online delivery, as well as potential student enrollment:³⁰

- Bachelor of Science in Interdisciplinary Studies – Environmental Management in Agriculture & Natural Resources;
- Bachelor of Arts in Business Administration;
- Bachelor of Science in Health Education & Behavior;
- Bachelor of Science in Sport Management;
- Bachelor of Science in Psychology; and
- Bachelor of Arts in Criminology & Law.

The UF Online program has identified military service men and women returning from deployment as a target audience for this program.³¹

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

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.³² The Complete Florida Degree Program's

²¹ s. 1001.7065(4), F.S. A state research university is designated as a "preeminent state research university for online learning" by virtue of meeting all 12 of the academic and research excellence standards identified in s. 1001.7065(2), F.S.

²² Strategic Planning Committee and Board of Governors, Comprehensive Business Plan for UF Online, September 27, 2013, Page 4 [hereinafter UF Online Business Plan].

²³ UF Online Business Plan, Page 9.

²⁴ UF Online Business Plan, Page 23.

²⁵ Florida House Education Committee, UF Online: A New Option for Florida's College Students, November 7, 2013.

²⁶ UF Online Business Plan, Page 5.

²⁷ UF Online Business Plan, Page 5.

²⁸ UF Online Business Plan, Page 47.

²⁹ UF Online Business Plan, Pages 5 and 7.

³⁰ UF Online Business Plan, Page 23.

³¹ Strategic Planning Committee and Board of Governors, Comprehensive Business Plan for UF Online, September 27, 2013.

³² s. 1006.735, F.S.

implementation is being led by the University of West Florida, in coordination with Florida College System, State University System, and private postsecondary institutions.³³

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.³⁴ 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.³⁵

The Complete Florida Program will work by providing 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.³⁶

Military veterans, as well as active duty members of the United States Armed Forces, will receive priority for participation in the program.³⁷

According to its statutory directive, the Complete Florida Degree Program must be implemented by the end of the 2013-2014 academic year.³⁸

Effect of Proposed Change

The bill amends s. 250.10, F.S., to allow Guard members who participate in the EDD program to enroll in courses offered through the Florida College System \$10,000 degree program, courses offered through the Complete Florida program, and online courses offered by a state preeminent research university's institute for online learning. Further, the bill allows the Adjutant General to adopt rules for the overall policy, guidance, administration, and implementation of an online component to the Educational Dollars for Duty program; providing legislative guidance for such rules.

The bill amends s. 250.10(8), F.S., to allow the Adjutant General, to reimburse student book costs and fees in accordance with limits set each fiscal year based on funding availability and the Adjutant General's discretion.

The bill amends s. 250.10(7) F.S., to permit 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.

The bill also appropriates \$14.5M 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 baccalaureate 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 \$1M 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.

³³ s. 1006.735, F.S.

³⁴ s. 1006.735, F.S.

³⁵ Presentation before the House Education Committee on November 13, 2013.

³⁶ s. 1006.735, F.S.

³⁷ Presentation before the House Education Committee on November 13, 2013.

³⁸ Presentation before the House Education Committee on November 13, 2013.

Manual for Courts-Martial (Section 2)

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.³⁹

The federal Uniform Code of Military Justice (UCMJ) contains the substantive and procedural laws governing the military justice system.⁴⁰ 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.⁴¹ The Manual for Courts-Martial outlines procedural rules and punishments for violations of crimes.⁴²

Florida National Guard members are subject to the Uniform Code of Military Justice, as well as state law, at all times during their enlistment or appointment, whether serving in this state or out-of-state.⁴³

Federal regulations require states to annually review the Manual for Courts-Martial for remain current with changes to the UCMJ.⁴⁴

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 3)

Current Situation

Veterans in Florida

Florida is tied with Texas for the second largest population of veterans in the nation at 1.6 million; only California has a larger population of veterans at 2 million.⁴⁵ Florida has more than 137,000 veterans from World War II, the largest number in the nation.⁴⁶ In addition, more than 231,000 Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn service members and veterans claim Florida as their home of record.⁴⁷

Direct Support Organization

Current Florida law authorizes the FDVA to establish a direct support organization (DSO).⁴⁸ 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

³⁹ s. 250.03, F.S.

⁴⁰ 10 U.S.C. 47.

⁴¹ 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.

⁴² r. 101, Manual for Courts-Martial, United States (2012).

⁴³ s. 250.351, F.S.

⁴⁴ Executive Order 12473 (July 13, 1984). 10 U.S.C.

⁴⁵ United States Census Bureau, A Snapshot of Our Nation's Veterans, available at:

<http://www.census.gov/how/infographics/veterans.html> (last viewed November 12, 2013).

⁴⁶ FDVA, Annual Report Fiscal Year 2011-12, page 7.

⁴⁷ FDVA, Annual Report Fiscal Year 2011-12, page 7.

⁴⁸ s. 292.055, F.S.

service, made a significant contribution to the State of Florida.⁴⁹ The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the State of Florida, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.⁵⁰

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 Fame (Walk of Fame) and the Florida Veterans' Memorial Garden. The Walk of Fame 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 Fame 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 Fame's construction. Further, the bill 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 Fame 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.

Veterans' Preference in Employment (Sections 4-7)

Current Situation

Employment Preference Generally

The Florida Statutes have included some form of veterans' employment preference since 1947.⁵¹ 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.⁵²

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 service members, who are Florida residents.⁵³ 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.⁵⁴

Florida's veterans' preference in employment statutes do not require a government employer to hire an unqualified veteran over a more qualified non-veteran.⁵⁵

⁴⁹ s. 265.003, F.S.

⁵⁰ s. 265.002, F.S.

⁵¹ s. 1, ch. 24201, L.O.F. (1947).

⁵² *Yates v. Rezeau*, 62 So.2d 726, 727 (Fla. 1952); Ch. 98-33, at 244, L.O.F.

⁵³ 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.

⁵⁴ s. 295.065, F.S.

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

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.⁵⁶

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 585.⁵⁷

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

Florida is tied with Texas for the second largest population of veterans in the nation at 1.6 million; only California has a larger population of veterans at 2 million.⁵⁸

In 2012, the unemployment rate among veterans in Florida was 7.3 percent, while the national rate was 7.0 percent.⁵⁹

Persons Eligible for Employment Preference and Exceptions

Pursuant to Florida law, the following persons are eligible to claim veterans' employment preference:⁶⁰

- a. a veteran with a service-connected disability;
- b. the spouse of a military service member with a permanent and total service-connected disability that prevents the military service member from qualifying for employment; and the spouse of a military service member 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 wartime⁶¹ veteran who was honorably discharged;
- 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 service member 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:⁶²

- 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

⁵⁶ Harris v. State, Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

⁵⁷ 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.

⁵⁸ United States Census Bureau, A Snapshot of Our Nation's Veterans, available at: <http://www.census.gov/how/infographics/veterans.html> (last viewed November 8, 2013).

⁵⁹ 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 November 8, 2013).

⁶⁰ s. 295.07(1)(a)-(d), F.S.

⁶¹ 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.

⁶² s. 295.07(4)(a)-(b), F.S.

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:⁶³

- ten points for certain veterans with a service-connected disability; for the spouse of a military service member with a total, permanent, service-connected disability; and for the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power (i.e., those listed above in points a. and b. under "Persons Eligible for Employment Preference and Exceptions");
- five points for an honorably discharged, wartime veteran, and for the unremarried widow or widower of any military service member who died from a service-connected disability (i.e., those listed above in points c. and d. under "Persons Eligible for Employment Preference and Exceptions").⁶⁴

In order for points to be awarded, the applicant must first obtain a qualifying score on the examination.⁶⁵

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.⁶⁶ 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.⁶⁷ 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.⁶⁸

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.⁶⁹

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:⁷⁰

- first preference is given to a disabled veteran with a service-connected disability; the spouse of a military service member with any total, permanent, service-connected disability; and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly

⁶³ s. 295.08, F.S.

⁶⁴ Rule 55A-7.010, F.S.C., provides further procedures for calculating points if the highest possible exam score is other than 100.

⁶⁵ Rule 55A-7.010(1), F.A.C.

⁶⁶ s. 295.08, F.S.

⁶⁷ s. 295.08, F.S.

⁶⁸ Harris v. State, Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

⁶⁹ Harris v. State, Public Employees Relations Com'n., 568 So.2d 475 (Fla. 1st DCA 1990).

⁷⁰ s. 295.085, F.S.

- detained or interned in line of duty by a foreign government or power (i.e., those listed above in points 1-4 under "Persons Eligible for Employment Preference and Exceptions");
- second preference is given to honorably discharged, wartime veterans and the unmarried 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 bullets 5-6 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.⁷¹

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.⁷² 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.⁷³

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."⁷⁴

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.⁷⁵

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."⁷⁶

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.⁷⁷

⁷¹ See Attorney General's Opinion 88-24

⁷² s. 295.07(2), F.S.

⁷³ s. 295.07(2), F.S.

⁷⁴ See Attorney General's Opinion 88-24

⁷⁵ s. 295.11, F.S.

⁷⁶ s. 295.11, F.S.

⁷⁷ 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).

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.⁷⁸ However, attorney's fees and costs may not exceed \$10,000.⁷⁹

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 suit and reasonable attorney's fees incurred in the action and pay damages as the court may award, any law to the contrary notwithstanding.⁸⁰

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.⁸¹ 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.⁸² At the end of one year, if the disabled veteran's performance is satisfactory, the veteran will acquire permanent employment status and will be subject to the employment rules of the Florida Department of Management Services and the veteran's employing agency.⁸³

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:⁸⁴

- 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 Service Members

The U.S. 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.⁸⁵ The death gratuity is the same regardless of the cause of death.⁸⁶ 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 service member's death and before other survivor benefits, if any, become available.⁸⁷ The death gratuity is also payable if an eligible service member or former service member 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

⁷⁸ s. 295.14(1), F.S.

⁷⁹ s. 295.14(1), F.S.

⁸⁰ s. 295.14(2), F.S.

⁸¹ s. 110.2135(1), F.S.

⁸² s. 110.2135(2), F.S.

⁸³ s. 110.2135(2), F.S.

⁸⁴ 5 U.S.C. § 2108(3)(F), (G)

⁸⁵ Department of Defense, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed December 4, 2013).

⁸⁶ Department of Defense, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed December 4, 2013).

⁸⁷ Department of Defense, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed December 4, 2013).

Affairs determines that the death resulted from injury or disease incurred or aggravated during such duty.⁸⁸

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 |
| National Guard/Reserve | Not Included (Unless Qualifying Under Another Provision Above) | 5 |

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 8 and 9)

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.⁸⁹ Admission criteria are based on the need to maintain a safe environment for all residents.⁹⁰ The skilled nursing and assisted living homes only

⁸⁸ Department of Defense, Military Compensation, available at: <http://militarypay.defense.gov/benefits/deathgratuity.html> (last viewed December 4, 2013).

⁸⁹ FDVA, Annual Report, FY 2011-2012.

⁹⁰ FDVA, Annual Report, FY 2011-2012.

admit those persons whose needs can be met within the accommodations and services it provides with consideration for all residents.⁹¹

State Veterans' Domiciliary Home

The Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City opened to residents in 1990.⁹² The 149-bed assisted living facility provides a combination of housing, personalized supportive services and incidental medical care to eligible veterans.⁹³ Veterans must be able to feed and dress themselves, and must be in need of assisted living care.⁹⁴

In order to be eligible for residency in the State Veterans' Domiciliary Home, a veteran⁹⁵ must:⁹⁶

- 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:⁹⁷

- 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.⁹⁸ The homes are supervised 24-hours daily by registered and licensed nurses.⁹⁹ Five of the six skilled nursing facilities have dementia-specific wings.¹⁰⁰ The six nursing homes are located in Daytona Beach, Land O' Lakes, Pembroke Pines, Panama City, Port Charlotte, and St. Augustine.¹⁰¹

In order to be eligible for admittance to a state veterans' nursing home, the veteran¹⁰² must:¹⁰³

- 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;

⁹¹ FDVA, Annual Report, FY 2011-2012.

⁹² FDVA, State Veterans' Homes, available at: http://floridavets.org/?page_id=87 (last viewed November 13, 2013).

⁹³ FDVA, State Veterans' Homes, available at: http://floridavets.org/?page_id=87 (last viewed November 13, 2013).

⁹⁴ FDVA, State Veterans' Homes, available at: http://floridavets.org/?page_id=87 (last viewed November 13, 2013).

⁹⁵ 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.

⁹⁶ s. 296.06(2)(a)-(f), F.S.

⁹⁷ s. 296.08(1)(a)-(d), F.S.

⁹⁸ FDVA, Annual Report, FY 2011-2012.

⁹⁹ FDVA, Annual Report, FY 2011-2012.

¹⁰⁰ FDVA, Annual Report, FY 2011-2012.

¹⁰¹ FDVA, Annual Report, FY 2011-2012.

¹⁰² 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.

¹⁰³ s. 296.36(1) F.S.

- 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.¹⁰⁴

Admittance priority for the nursing homes must be given to eligible veterans in the following order of priority:¹⁰⁵

- an eligible veteran who is a resident of the State of Florida;
- 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;
- 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 2011-2012, the total number of beds available in the Florida State Veterans' Homes Program was 869, with 720 representing nursing home beds.¹⁰⁶ According to Florida's Agency for Health Care Administration, Florida has a total of 82,227 nursing home beds with a total of 4.4 million seniors and more than 500,000 with Alzheimer's or related dementias.¹⁰⁷ The veteran population over 65 years old in Florida is estimated to be 729,000.¹⁰⁸

During fiscal year 2011-2012, the average occupancy rate for state veterans' homes in operation two years or longer was 96 percent (see Figure One below). The Robert H. Jenkins State Veterans' Domiciliary Home in Lake City operated at an average of 85 percent (see Figure One below).

| Figure One | | | | |
|--|--------------------|-------------------|-------------------|-------------------|
| Facility Occupancy Rates by Fiscal Year¹⁰⁹ | | | | |
| | FY 2008-09 | FY 2009-10 | FY 2010-11 | FY 2011-12 |
| Robert J. Jenkins State Veterans' Domiciliary Home, Lake City | 73% ¹¹⁰ | 77% | 85% | 85% |
| Emory L. Bennett State Veterans' Nursing Home, Daytona Beach | 81% | 88% | 77% | 94% |
| Baldomero Lopez State Veterans' Nursing Home, Land O' Lakes | 95% | 99% | 99% | 100% |
| Alexander Nininger State Veterans' Nursing Home, Pembroke Pines | 96% | 95% | 98% | 98% |
| Clifford C. Sims State Veterans' Nursing Home, Panama City | 96% | 99% | 99% | 100% |
| Douglas T. Jacobson State Veterans' Nursing Home, Port Charlotte | 97% | 97% | 98% | 99% |
| Clyde E. Lassen State Veterans' Nursing Home, St. Augustine | N/A | N/A | 23% | 83% |

¹⁰⁴ s. 296.36(2), F.S.

¹⁰⁵ s. 296.36(3)(a)-(c), F.S.

¹⁰⁶ FDVA, Annual Report, FY 2011-2012.

¹⁰⁷ FDVA, Annual Report, FY 2011-2012.

¹⁰⁸ FDVA, Annual Report, FY 2011-2012.

¹⁰⁹ FDVA, Annual Report, FY 2011-2012.

¹¹⁰ 37 Beds unavailable at Lake City due to Phase II renovation project.

| | | | | |
|---|-----|-----|-----|-----|
| State Veterans' Homes Program Average 111 | 89% | 93% | 93% | 96% |
|---|-----|-----|-----|-----|

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.¹¹² 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).¹¹³ 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.¹¹⁴

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.¹¹⁵

Florida Department of Business and Professional Regulation License Fee Waivers for Veterans (Section 10)

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 of Florida, such as 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.

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 service member.

Florida Department of Business and Professional Regulation Prescription Drug Wholesale Distributor Permit (Section 11)

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

¹¹¹ Average occupancy excludes St. Augustine, which has two years to meet the Performance Measure.

¹¹² Per email correspondence with FDVA staff, November 11, 2013, on file with Veteran and Military Affairs Subcommittee staff.

¹¹³ Per email correspondence with FDVA staff, November 11, 2013, on file with Veteran and Military Affairs Subcommittee staff.

¹¹⁴ Per email correspondence with FDVA staff, November 11, 2013, on file with Veteran and Military Affairs Subcommittee staff.

¹¹⁵ FDVA 2014 Legislative Proposals.

¹¹⁶ Chapter 93-220, L.O.F.

¹¹⁷ DBPR website, available at: <http://www.myfloridalicense.com/dbpr/index.html> (last viewed December 30, 2013).

person to serve as the designated representative (certified designated representative).¹¹⁸ Such person must have an active certification from the DBPR.¹¹⁹ 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:¹²⁰

- 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."

Waiver of Out-of-state Fees for Veterans (Section 12)

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."¹²¹ A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.¹²²

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."¹²³ A "non-resident for tuition purposes" is defined as a "person who does not qualify for the in-state tuition rate,"¹²⁴ 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.¹²⁵

Fee Exemptions and Fee Waivers

Florida law provides fee exemptions¹²⁶ and fee waivers¹²⁷ to qualified students that meet specified criteria. A number of fee exemptions and fee waivers are permissive¹²⁸ while others are mandatory.¹²⁹

¹¹⁸ s. 499.012(16)(a), F.S.

¹¹⁹ s. 499.012(16)(a), F.S.

¹²⁰ s. 499.012(16)(b)(3), F.S.

¹²¹ s. 1009.01(1), F.S. Additionally, the definition states that "[a] charge for any other purpose shall not be included within this fee."

¹²² s. 1009.21(1)(g), F.S.

¹²³ s. 1009.01(2), F.S. Adding that "[a] charge for any other purpose shall not be included within this fee."

¹²⁴ s. 1009.21(1)(e), F.S.

¹²⁵ ss. 1009.23(2)(a) and 1009.24(2), F.S.

¹²⁶ s. 1009.25, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (noting that "[a]n exemption is provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees").

¹²⁷ s. 1009.26, F.S.; see The Florida College System, *Exemptions and Waivers in The Florida College System*, <http://www.fldoe.org/fcs/OSAS/Evaluations/pdf/FYI2012-02Exemptions.pdf> (providing that a "waiver occurs when a student has his or her fees, which would otherwise be due, waived or forgiven by an institution").

¹²⁸ s. 1009.25(2), F.S. (authorizing each Florida College System institution to grant additional fee exemptions "up to 54 full-time equivalent students or 1 percent of [an] institution's total full-time equivalent enrollment, whichever is greater at each institution"); ss. 1009.26(1)-(4), (6), (9), (10), (11), F.S.

¹²⁹ s. 1009.25(1)(a)-(g), F.S.; s. 1009.26(5), (7), (8), F.S.

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.¹³⁰ The statute requires that the recipient:¹³¹

- (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 program.¹³² During 2011-2012, 168 at FCS institutions received Purple Heart fee waivers totaling \$269,580.¹³³ At state universities, 46 students received Purple Heart fee waivers totaling \$151,896 during 2012-2013.¹³⁴

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.”¹³⁵

In 2011-2012, FCS institutions provided exemptions and fee waivers for 71,719 students, which totaled \$93,689,726.¹³⁶ Fee exemptions and fee waivers, respectively, totaled \$83,926,832 and \$9,762,894 within FCS institutions.¹³⁷ A total of \$205,824,039 in fee exemptions and fee waivers were provided by state universities during 2012-2013.¹³⁸

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 that currently exist, 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;¹³⁹

¹³⁰ s. 1009.26(8), F.S.

¹³¹ s. 1009.26(8)(a)-(c), F.S.

¹³² s. 1009.26(8), F.S.

¹³³ Email from the Florida Department of Education, December 11, 2013, On file with Senate Committee on Education.

¹³⁴ Email from the Board of Governors of the State University System of Florida, December 11, 2013, On file with Senate Committee on Education.

¹³⁵ 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).

¹³⁶ Email from the Florida Department of Education, December 11, 2013, On file with Senate Committee on Education.

¹³⁷ Email from 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.

¹³⁸ Email from the Board of Governors of the State University System of Florida, December 11, 2013, On file with Senate Committee on Education.

¹³⁹ *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”).

- require that a veteran be permanently stationed in the state¹⁴⁰ or be a resident of the state and meet an additional requirement to be a resident for admission and tuition purposes;¹⁴¹
- do not require that residency be demonstrated but may require continuous enrollment and some form of documentation that is relevant to state residency;¹⁴²
- 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.¹⁴³

Additionally, some laws authorize institutions of higher education to develop policies and criteria that provide fee waivers to eligible veterans.¹⁴⁴

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)**¹⁴⁵
 - The MGIB-AD provides educational assistance to persons who served on active duty in the Armed Forces.¹⁴⁶ Active duty members make an initial contribution¹⁴⁷ and are

¹⁴⁰ 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).

¹⁴¹ 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).

¹⁴² 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).

¹⁴³ 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).

¹⁴⁴ 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*, <http://www.usg.edu/policymanual/section7/C453/>, §7.3.4.1 (last viewed December 8, 2013) (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*, <http://www.washington.edu/students/veteran/waiver.shtml> (last viewed December 8, 2013) (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).

¹⁴⁵ 38 U.S.C. §§3001-3035.

¹⁴⁶ 38 U.S.C. §3011(a).

subsequently entitled to receive a monthly education benefit¹⁴⁸ once they have completed a minimum service obligation.¹⁴⁹

- **Montgomery GI Bill – Selected Reserve Educational Assistance Program (MGIB-SR)**¹⁵⁰
 - 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.¹⁵¹
- **Educational Assistance Survivors' and Dependents' Program (DEA)**¹⁵²
 - DEA is a monetary educational benefit payable to eligible dependents and survivors of certain veterans.¹⁵³
- **Veterans Educational Assistance Program (VEAP)**¹⁵⁴
 - 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, 1985.¹⁵⁵
- **Reserve Educational Assistance Program (REAP)**¹⁵⁶
 - 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, 2001.¹⁵⁷
- **Post-9/11 GI Bill Program**¹⁵⁸
 - 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, 2001,¹⁵⁹ or individuals discharged with a service-connected disability after 30 continuous days of active duty service.¹⁶⁰

¹⁴⁷ 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”).

¹⁴⁸ 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); Department of Veterans Affairs, *The Montgomery GI Bill- Active Duty: Summary of Educational Benefits Under the Montgomery GI Bill – Active Duty Educational Assistance Program*, http://www.gibill.va.gov/documents/pamphlets/ch30_pamphlet.pdf, 17.

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

¹⁵⁰ 10 U.S.C. §§16131-16136.

¹⁵¹ 10 U.S.C. §§16131(a), 16132(a); Department of Veterans Affairs, *The Montgomery GI Bill-Selected Reserve*, http://gibill.va.gov/documents/pamphlets/ch1606_pamphlet.pdf.

¹⁵² 38 U.S.C. §§3500-3566.

¹⁵³ 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); Department of Veterans Affairs, *Dependents’ Educational Assistance Program (DEA)*, [http://www.gibill.va.gov/documents/pamphlets/ch35_pamphlet\(2\).pdf](http://www.gibill.va.gov/documents/pamphlets/ch35_pamphlet(2).pdf), 3.

¹⁵⁴ 38 U.S.C. §§3201-3243.

¹⁵⁵ 38 U.S.C. §§3201, 3202(1)(A).

¹⁵⁶ 10 U.S.C. §§16161-16166.

¹⁵⁷ 10 U.S.C. §16163(a).

¹⁵⁸ 38 U.S.C. §§3301-3325.

¹⁵⁹ 38 U.S.C. §3311(b)(8).

¹⁶⁰ 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*, http://www.vba.va.gov/REPORTS/abr/2011_abr.pdf, 37. 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.

- 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.¹⁶¹
- 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.¹⁶²
- 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, 2001.¹⁶³
- **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.¹⁶⁴
 - 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.¹⁶⁵
 - Both public and private colleges and universities are able to voluntarily participate in the Yellow Ribbon Program through an agreement with the USDVA.¹⁶⁶
 - The USDVA will match an institution's contributions, not to exceed 50 percent of the difference.¹⁶⁷
 - Currently, two FCS institutions and four State University System institutions are listed as Yellow Ribbon Program participants.¹⁶⁸

¹⁶¹ 38 U.S.C. §3321(a).

¹⁶² USDVA, *Yellow Ribbon Program*, http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last viewed December 8, 2013). The Post-9/11 GI Bill also provides a monthly housing allowance and a yearly stipend for books and supplies. USDVA, *Post-9/11 GI Bill (Chapter 33) Payment Rates for 2012 Academic Year (August 1, 2012-July 31, 2013)*,

http://www.gibill.va.gov/resources/benefits_resources/rates/CH33/Ch33rates080112.html#MHA (last viewed December 8, 2013). Post-9/11 GI Bill benefits are allowed to be used for approved training, which includes: graduate and undergraduate degrees, non-college degree 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. USDVA, *The Post-9/11 GI-Bill*, available at: http://www.gibill.va.gov/benefits/post_911_gibill/index.html (last viewed December 8, 2013).

¹⁶³ 38 U.S.C. §3313(c)(1)-(7); USDVA, *Post 9/11 GI Bill: It's Your Future*, available at: http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf, 2.

¹⁶⁴ 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).

¹⁶⁵ USDVA, *Post 9/11 GI Bill: It's Your Future*, available at: http://gibill.va.gov/documents/pamphlets/ch33_pamphlet.pdf, 2. Veterans entitled to less than the maximum benefit rate and active duty service members and their spouses are not eligible for this program. USDVA, *Benefits of the Yellow Ribbon Program*, available at: http://www.gibill.va.gov/benefits/post_911_gibill/yellow_ribbon_program.html (last viewed December 8, 2013).

¹⁶⁶ 38 U.S.C. §3317(a), (c); see USDVA, *Yellow Ribbon Program Information 2012-2013 School Year* available at: http://www.gibill.va.gov/gi_bill_info/ch33/yyp/yyp_list_2012.htm (select "Florida" in the state list) (last viewed December 8, 2013) (providing a list of participating institutions by state, which includes public and private institutions). To participate in the Yellow Ribbon Program, an institution must enter into an official agreement with the USDVA 38 U.S.C. §3317(c). The agreement specifies the maximum amount an institution will contribute per academic year toward each qualified student's tuition and fee expenses that exceed the amount payable under the Post-9/11 GI Bill. 38 U.S.C. §3317(c)(2). The agreement also indicates the maximum number of individuals for whom contributions will be made in any given academic year. 38 U.S.C. §3317(c)(3).

¹⁶⁷ 38 U.S.C. §3317(d)(1).

¹⁶⁸ USDVA, *Florida State Yellow Ribbon Program Information 2013-2014*, available at:

http://www.gibill.va.gov/gi_bill_info/ch33/yyp/2013/states/fl.htm (last viewed December 8, 2013). The Florida College System 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 State University System 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

According to the USDVA, for fiscal year 2011,¹⁶⁹ the state of Florida had the third highest number of USDVA education beneficiaries (using one or more of the federal education assistance programs described above) in the nation with 68,133 beneficiaries, behind Texas (76,878) and California (88,420).¹⁷⁰ The number of USDVA education program beneficiaries in Florida has steadily increased since fiscal year 2000 (see Figure One below).¹⁷¹ Total USDVA education program payments to Florida beneficiaries for fiscal year 2012 was \$702,492,751.¹⁷²

| 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 |

During fiscal year 2011, there were 42,607 Post-9/11 GI Bill beneficiaries in Florida.¹⁷³ The Post-9/11 GI Bill only covers the highest in-state undergraduate tuition,¹⁷⁴ 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.

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).

¹⁶⁹ Fiscal year 2011 is the most recent year for which data are currently available regarding the number of USDVA education beneficiaries. USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*. <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011") (last viewed December 8, 2013).

¹⁷⁰ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011") (last viewed December 8, 2013).

¹⁷¹ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011") (last viewed December 8, 2013).

¹⁷² Email from the National Center for Veterans Analysis and Statistics, September 23, 2013, On file with Senate Committee on Education.

¹⁷³ USDVA, *Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011*, <http://www.va.gov/vetdata/Utilization.asp> (select "Benefit Programs" tab; then follow the hyperlink titled "Department of Veterans Affairs Education Program Beneficiaries by Geography: FY2000 to FY2011") (last viewed December 8, 2013).

¹⁷⁴ USDVA, *Yellow Ribbon Program* http://www.gibill.va.gov/School_Info/yellow_ribbon/ (last viewed December 8, 2013).

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.

Effective Date

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.

Section 2: Amends s. 250.35, F.S., to update references with respect to courts-martial.

Section 3: Creates s. 265.004, F.S., to create the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden.

Section 4: Amends s. 295.065, F.S., to revise and provide governmental employment preference for certain persons.

Section 5: Amends s. 295.07, F.S., to revise and provide governmental employment preference for certain persons.

Section 6: Amends s. 295.08, F.S., to revise and provide governmental employment preference for certain persons.

Section 7: Amends s. 295.085, F.S., to revise and provide governmental employment preference for certain persons.

Section 8: Amends s. 296.06, F.S., to revise the eligibility requirements for residency in the Florida State Veterans' Domiciliary Home.

Section 9: Amends s. 296.36, F.S., to revise the eligibility requirements for residency in a state veterans' nursing home.

Section 10: 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 11: Amends s. 499.012, F.S., to provide that specified military service meets certain permitting requirements.

Section 12: Amends s. 1009.26, F.S., to direct state universities and Florida College System institutions to waive certain fees for veterans.

Section 13: 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 EDD program enrollment may increase, but the cost for resident students is capped at 75 percent of the in-state rate. The bill appropriates \$14.5M in recurring funds (GR) to fund the tuition and fees for all deployed FNG members (on or after October 31, 2013). As of October 31, 2013, 586 FNG members were deployed.

The bill also appropriates \$1M in nonrecurring funds (GR) to the Florida Department of Military Affairs for information technology upgrades necessary to administer and audit the EDD program.

Section 10 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.

Section 10 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.

In effect, the bill guarantees that qualifying veterans will be charged in-state tuition and fee rates at Florida's state universities and FCS institutions.

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 of study offered as part of a preeminent state research university's institute for online learning, as designated by s. 1001.7065, F.S.

B. DRAFTING ISSUES OR OTHER COMMENTS:

Sections 8 and 9 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 we predict a savings to the state due to their eligibility to have the USDVA pay for their care.¹⁷⁵

Section 10 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

¹⁷⁵ See FDVA White Paper and OPPAGA Justification Review, Report No. 01-63, December 2001.

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; providing
 6 appropriations; amending s. 250.35, F.S.; updating
 7 references with respect to courts-martial; creating s.
 8 265.004, F.S.; establishing the Florida Veterans' Walk
 9 of Honor and the Florida Veterans' Memorial Garden;
 10 directing the Department of Management Services, in
 11 consultation with the direct support organization of
 12 the Department of Veterans' Affairs, to make available
 13 space for such purpose; amending ss. 295.065, 295.07,
 14 295.08, and 295.085, F.S.; revising and providing
 15 governmental employment preference for certain
 16 persons; amending ss. 296.06, and 296.36, F.S.;
 17 revising the eligibility requirements for residency in
 18 the Florida State Veterans' Domiciliary Home and
 19 admittance to a state veterans' nursing home; amending
 20 s. 455.213, F.S.; extending the application deadline
 21 for military veterans to have certain fees waived by
 22 the Department of Business and Professional Regulation
 23 and waiving such fees for the spouses of veterans;
 24 amending s. 499.012, F.S.; providing that specified
 25 military service meets certain permitting
 26 requirements; amending s. 1009.26, F.S.; directing

27 state universities and Florida College System
 28 institutions to waive certain fees for veterans;
 29 providing applicability; providing an effective date.

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

32
 33 Section 1. Subsections (7) and (8) of section 250.10,
 34 Florida Statutes, are amended, and subsection (9) is added to
 35 that section, to read:

36 250.10 Appointment and duties of the Adjutant General.—

37 (7) The Adjutant General shall develop an education
 38 assistance program for members in good standing of the Florida
 39 National Guard who enroll in an authorized course of study at a
 40 public or nonpublic institution of higher learning in the state
 41 which has been accredited by an accrediting body recognized by
 42 the United States Department of Education or licensed by the
 43 Commission for Independent Education. This program shall be
 44 known as the Educational Dollars for Duty program (EDD).

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

- 47 1. Be 17 years of age or older.
- 48 2. Be presently domiciled in the state.
- 49 3. Be an active drilling member and in good standing in
 50 the Florida National Guard at the beginning of and throughout
 51 the entire academic term for which benefits are received.
- 52 4. Maintain continuous satisfactory participation in the

53 Florida National Guard for any school term for which exemption
 54 benefits are received.

55 5. Upon enrollment in the program, complete a memorandum
 56 of agreement to:

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

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

60 c. Authorize the release of information by the institution
 61 of higher learning to the Florida Department of Military
 62 Affairs. An institution of higher learning that accepts funding
 63 from the program will provide course enrollment, course
 64 withdrawal, course cancellation, course completion or failure,
 65 and grade verification directly to the Education Service Office
 66 of the Florida Department of Military Affairs.

67 (b) The program shall define those members of the Florida
 68 National Guard who are ineligible to participate in the program
 69 and those courses of study which are not authorized for the
 70 program.

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

74 2. Courses not authorized include noncredit courses,
 75 courses that do not meet degree requirements, courses that do
 76 not meet requirements for completion of career training, or
 77 other courses as determined by program definitions.

78 3. Developmental education courses are authorized for the

79 program.

80 4. Online courses may be approved by the Adjutant General
 81 for the program, subject to rules adopted pursuant to paragraph
 82 (c). Courses offered as part of a preeminent state research
 83 university's institute for online learning, as designated by s.
 84 1001.7065, are expressly authorized for the program.

85 5. When appropriate, the Adjutant General should encourage
 86 a participant in the program to participate in the Complete
 87 Florida Degree Program under s. 1006.735.

88 6. Courses leading to a degree offered by a Florida
 89 College System institution as part of the Governor's \$10,000
 90 Degree Challenge are authorized for the program.

91 7. The program may not pay repeat course fees.

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

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

97 2. Procedures for notification to an institution of a
 98 guard member's termination of eligibility.~~7 and~~

99 3. Procedures for restitution when a guard member fails to
 100 comply with the penalties described in this section.

101 4. A framework for approving online courses of study
 102 offered as part of a preeminent state research university's
 103 institute for online learning, as designated by s. 1001.7065.

104 (8) Subject to appropriations, the Department of Military

105 Affairs may pay the full cost of tuition and fees for required
 106 courses for current members of the Florida National Guard.
 107 Members are eligible to use the program upon enlistment in the
 108 Florida National Guard. If a member is enrolled in a nonpublic
 109 postsecondary education institution or a nonpublic vocational-
 110 technical program, the Department of Military Affairs shall pay
 111 an amount equal to the amount that would be required to pay for
 112 the average tuition and fees at a public postsecondary education
 113 institution or public vocational-technical program.

114 (a) The Department of Military Affairs may reimburse
 115 student book costs and fees in accordance with limits set each
 116 fiscal year based on funding availability and ultimately at the
 117 Adjutant General's discretion.

118 (b)~~(a)~~ A member may participate in the program if he or
 119 she maintains satisfactory participation in, and is an active
 120 drilling member of, the Florida National Guard. Inactive members
 121 of the Florida National Guard and members of the Individual
 122 Ready Reserve (IRR) are not eligible to participate in the
 123 program.

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

- 126 1. If a member of the Florida National Guard receives
 127 payment of tuition and fees for any academic term and fails to
 128 maintain satisfactory participation in the Florida National
 129 Guard during that academic term, the member shall reimburse the
 130 Department of Military Affairs all tuition charges and student

131 fees for the academic term for which the member received
 132 payment.

133 2. If a member of the Florida National Guard leaves the
 134 Florida National Guard during the period specified in the
 135 member's enlistment or reenlistment contract, the member shall
 136 reimburse the Department of Military Affairs all tuition charges
 137 and student fees for which the member received payments,
 138 regardless of whether the obligation to reimburse the department
 139 was incurred before, on, or after July 1, 2009, unless the
 140 Adjutant General finds that there are justifiable extenuating
 141 circumstances.

142 3. If the service of a member of the Florida National
 143 Guard is terminated or the member is placed on scholastic
 144 probation while receiving payments, the member shall reimburse
 145 the Department of Military Affairs all tuition charges and
 146 student fees for the academic term for which the member received
 147 payment.

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

151 (9) Beginning in the 2014-2015 fiscal year, the sum of
 152 \$14,500,000 in recurring funds is appropriated from the General
 153 Revenue Fund to the Department of Military Affairs to pay the
 154 full tuition and fees, not to exceed the in-state rate at the
 155 applicable institution, for all Florida National Guard members
 156 deployed on or after October 31, 2013.

157 (a) If an eligible Florida National Guard member wishes to
 158 benefit from funds appropriated pursuant to this subsection, he
 159 or she must, within one year after the end of his or her
 160 deployment, enroll in a classroom-based or online baccalaureate
 161 degree program at a state university system institution or must
 162 enroll in a classroom-based or online degree program at a
 163 Florida College System institution.

164 (b) The Department of Military Affairs shall ensure that
 165 each Florida National Guard member benefitting from funds
 166 appropriated pursuant to this subsection meets the eligibility
 167 criteria and application requirements for the Educational
 168 Dollars for Duty program.

169 (c) For the 2014-2015 fiscal year, the sum of \$1,000,000
 170 in non-recurring funds is appropriated from the General Revenue
 171 Fund to the Florida Department of Military Affairs for the
 172 purpose of information technology upgrades to accommodate the
 173 administration and auditing of the Educational Dollars for Duty
 174 program.

175 Section 2. Subsections (1) and (2) of section 250.35,
 176 Florida Statutes, are amended to read:

177 250.35 Courts-martial.—

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

182 (2) Courts-martial may try any member of the Florida

183 National Guard for any crime or offense made punishable by the
 184 Uniform Code of Military Justice (2012 ~~2008~~ Edition), except
 185 that a commissioned officer, warrant officer, or cadet may not
 186 be tried by summary courts-martial.

187 Section 3. Section 265.004, Florida Statutes, is created
 188 to read:

189 265.004 Florida Veterans' Walk of Honor and Florida
 190 Veterans' Memorial Garden.-

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

195 (2) The Florida Veterans' Walk of Honor and the Florida
 196 Veterans' Memorial Garden shall be administered by the direct-
 197 support organization of the Department of Veterans' Affairs
 198 without funding from the state. However, donations made to the
 199 Florida Veterans' Walk of Honor and the Florida Veterans'
 200 Memorial Garden shall be credited to the direct-support
 201 organization of the Florida Department of Veterans' Affairs and
 202 used solely to support the Florida Veterans' Walk of Honor, the
 203 Florida Veterans' Memorial Garden, and other efforts of the
 204 direct-support organization.

205 (3) The Department of Management Services, in consultation
 206 with the Department of Veterans' Affairs and the direct support
 207 organization of the Department of Veterans' Affairs, shall make
 208 available space on the Capitol Complex grounds for the

209 construction of the Florida Veterans' Walk of Honor and the
 210 Florida Veterans' Memorial Garden.

211 Section 4. Section 295.065, Florida Statutes, is amended
 212 to read:

213 295.065 Legislative intent.—It is the intent of the
 214 Legislature to provide preference and priority in the hiring
 215 practices of this state as set forth in this chapter. In all
 216 written job announcements and audio and video advertisements
 217 used by employing agencies of the state and its political
 218 subdivisions, there shall be a notation that certain veterans,
 219 ~~and spouses~~ and family members of veterans, and servicemembers
 220 receive preference and priority in employment by the state and
 221 are encouraged to apply for the positions being filled.

222 Section 5. Subsections (1) and (3) of section 295.07,
 223 Florida Statutes, are amended to read:

224 295.07 Preference in appointment and retention.—

225 (1) The state and political subdivisions in the state
 226 shall give preference in appointment and retention in positions
 227 of employment to:

228 (a) Those disabled veterans:

229 1. Who have served on active duty in any branch of the
 230 Armed Forces of the United States, have received an ~~been~~
 231 ~~separated therefrom under~~ honorable discharge conditions, and
 232 have established the present existence of a service-connected
 233 disability that ~~which~~ is compensable under public laws
 234 administered by the United States ~~U.S.~~ Department of Veterans

235 ~~Veterans'~~ Affairs;7 or

236 2. Who are receiving compensation, disability retirement
 237 benefits, or pension by reason of public laws administered by
 238 the United States U.S. Department of Veterans ~~Veterans'~~ Affairs
 239 and the United States Department of Defense.

240 (b) The spouse of any person who has a total disability,
 241 permanent in nature, resulting from a service-connected
 242 disability and who, because of this disability, cannot qualify
 243 for employment, and the spouse of any person missing in action,
 244 captured in line of duty by a hostile force, or forcibly
 245 detained or interned in line of duty by a foreign government or
 246 power.

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

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

254 (e) The mother, father, legal guardian, or unremarried
 255 widow or widower, of a servicemember who died as a result of
 256 military service, as verified by the United States Department of
 257 Defense.

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

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

263 (2) The Department of Veterans' Affairs shall adopt rules
 264 to ensure that veterans are given special consideration in the
 265 employing agency's selection and retention processes. The rules
 266 must include the award of point values as articulated in s.
 267 295.08, if applicable, or, where point values are not relevant,
 268 must include procedures to ensure that veterans are given
 269 special consideration at each step of the employment selection
 270 process, unless the sponsoring governmental entity is a party to
 271 a collective bargaining agreement, in which case the collective
 272 bargaining agreement must comply within 90 days following
 273 ratification of a successor collective bargaining agreement or
 274 extension of any existing collective bargaining agreement.

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

278 Section 6. Section 295.08, Florida Statutes, is amended to
 279 read:

280 295.08 Positions for which a numerically based selection
 281 process is used.—For positions for which an examination is used
 282 to determine the qualifications for entrance into employment
 283 with the state or political subdivisions in the state, 15 points
 284 shall be added to the earned ratings of any person included
 285 under s. 295.07(1)(a), 10 points shall be added to the earned
 286 ratings of any person included under s. 295.07(1) ~~(a) or (b),~~

287 | (c), (d) and (e), and 5 points shall be added to the earned
 288 | rating of any person included under s. 295.07(1) ~~(e) and (d)~~ (f)
 289 | and (g), if the person has obtained a qualifying score on the
 290 | examination for the position. The names of persons eligible for
 291 | preference shall be entered on an appropriate register or list
 292 | in accordance with their respective augmented ratings. However,
 293 | except for classes of positions with Federal Government
 294 | designations of professional or technician, the names of all
 295 | persons qualified to receive a 10-point preference whose
 296 | service-connected disabilities have been rated by the United
 297 | States Department of Veterans Affairs or its predecessor or the
 298 | United States Department of Defense to be 30 percent or more
 299 | shall be placed at the top of the appropriate register or
 300 | employment list, in accordance with their respective augmented
 301 | ratings. The respective augmented rating is the examination
 302 | score or evaluated score in addition to the applicable veteran's
 303 | preference points.

304 | Section 7. Section 295.085, Florida Statutes, is amended
 305 | to read:

306 | 295.085 Positions for which a numerically based selection
 307 | process is not used.—In all positions in which the appointment
 308 | or employment of persons is not subject to a written
 309 | examination, with the exception of positions that are exempt
 310 | under s. 295.07(4), first preference in appointment, employment,
 311 | and retention shall be given by the state and political
 312 | subdivisions in the state to persons included under s.

313 295.07(1)(a) ~~295.07(1)(a) and (b)~~, and second preference shall
 314 be given to persons included under s. 295.07(1) (b), (c), and (d),
 315 (e), (f) and (g), who possess the minimum qualifications
 316 necessary to discharge the duties of the position involved.

317 Section 8. Paragraph (b) of subsection (2) of section
 318 296.06, Florida Statutes, is amended to read:

319 296.06 State policy; eligibility requirements.—

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

322 (b) ~~Have been a resident of the state for 1 year~~
 323 ~~immediately preceding application~~

324 ~~and~~ Be a resident of the state at the time of application.

325 Section 9. Paragraph (b) of subsection (1) of section
 326 296.36, Florida Statutes, is amended to read:

327 296.36 Eligibility and priority of admittance.—

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

331 (b) Be ~~Have been~~ a resident of the state ~~for 1 year~~
 332 ~~immediately preceding, and~~ at the time of application for,

333 admission to the home.

334 Section 10. Subsection (12) of section 455.213, Florida
 335 Statutes, is amended to read:

336 455.213 General licensing provisions.—

337 (12) The department shall waive the initial licensing fee,
 338 the initial application fee, and the initial unlicensed activity

339 fee for a military veteran or the spouse of a military veteran
 340 who applies to the department for a license, in a format
 341 prescribed by the department, within 60 ~~24~~ months after the
 342 veteran is discharged ~~discharge~~ from any branch of the United
 343 States Armed Forces. To qualify for this waiver, the veteran
 344 must have been honorably discharged.

345 Section 11. Paragraph (b) of subsection (16) of section
 346 499.012, Florida Statutes, is amended to read:

347 499.012 Permit application requirements.-

348 (16)

349 (b) To be certified as a designated representative, a
 350 natural person must:

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

353 2. Be at least 18 years of age.†

354 3. Have not less than 2 years of verifiable full-time:

355 a. Work experience in a pharmacy licensed in this state or
 356 another state, where the person's responsibilities included, but
 357 were not limited to, recordkeeping for prescription drugs; ~~or~~
 358 ~~have not less than 2 years of verifiable full-time~~

359 b. Managerial experience with a prescription drug wholesale
 360 distributor licensed in this state or in another state; or

361 c. Managerial experience with the United States military,
 362 where the person's responsibilities included, but were not
 363 limited to, recordkeeping, warehousing, distribution, or other
 364 logistics services pertaining to prescription drugs.†

365 4. Receive a passing score of at least 75 percent on an
 366 examination given by the department regarding federal laws
 367 governing distribution of prescription drugs and this part and
 368 the rules adopted by the department governing the wholesale
 369 distribution of prescription drugs. This requirement shall be
 370 effective 1 year after the results of the initial examination
 371 are mailed to the persons that took the examination. The
 372 department shall offer such examinations at least four times
 373 each calendar year. ~~and~~

374 5. Provide the department with a personal information
 375 statement and fingerprints pursuant to subsection (9).

376 Section 12. Subsection (12) is added to section 1009.26,
 377 Florida Statutes, to read:

378 1009.26 Fee waivers.—

379 (12) (a) There is established the Congressman C. W. Bill
 380 Young Veteran Tuition Waiver Program. A state university or
 381 Florida College System institution shall waive out-of-state fees
 382 for an honorably discharged veteran of the Armed Forces of the
 383 United States, including the National Guard and reserve
 384 components thereof, who physically resides in this state while
 385 enrolled in the institution. Tuition and fees charged to a
 386 veteran who qualifies for the out-of-state fee waiver under this
 387 subsection may not exceed the tuition and fees charged to a
 388 resident student. The waiver is applicable for 110 percent of
 389 the required credit hours of the degree or certificate program
 390 for which the student is enrolled. Each state university and

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391 Florida College System institution shall report to the Board of
 392 Governors and the State Board of Education, respectively, the
 393 number and value of all fee waivers granted annually under this
 394 subsection.

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

397 Section 13. 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 PCB: Veteran & Military Affairs
 2 Subcommittee
 3 Representative Cummings offered the following:

Amendment (with title amendment)

Between lines 333 and 334, insert:

Section 10. Section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.—

(1) In each ~~every~~ case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 30 days after the commencement of such employment or education, be required to obtain a Florida driver ~~driver's~~ license if such nonresident operates a motor

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18 vehicle on the highways of this state. The spouse or dependent
19 child of such nonresident shall also be required to obtain a
20 Florida driver ~~driver's~~ license within that 30-day period before
21 ~~prior to~~ operating a motor vehicle on the highways of this
22 state.

23 (2) A member of the United States Armed Forces on active
24 duty in this state, his or her spouse, or a dependent residing
25 with him or her, is ~~shall~~ not be required to obtain or display a
26 Florida driver ~~driver's~~ license if he or she is in possession of
27 a valid military identification card and either a valid driver
28 license or learner's permit issued by another state, or a valid
29 military driving permit. Such a person is not required to obtain
30 or display a Florida driver license under this section solely
31 because he or she enters his or her children to be educated in
32 the public schools of this state or accepts employment or
33 engages in any trade, profession, or occupation in this state if
34 ~~he or she has a valid military driving permit or a valid~~
35 ~~driver's license issued by another state.~~

36 (3) A nonresident who is domiciled in another state and
37 who commutes into this state in order to work is ~~shall~~ not be
38 required to obtain a Florida driver ~~driver's~~ license under this
39 section solely because he or she has accepted employment or
40 engages in any trade, profession, or occupation in this state if
41 he or she has a valid driver ~~driver's~~ license issued by another
42 state. Further, a ~~any~~ person who is enrolled as a student in a
43 college or university and who is a nonresident but is in this



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44 state for a period of up to 6 months engaged in a work-study
45 program for which academic credits are earned from a college
46 whose credits or degrees are accepted for credit by at least
47 three accredited institutions of higher learning, as defined in
48 s. 1005.02, ~~is shall~~ not be required to obtain a Florida driver
49 ~~driver's~~ license for the duration of the work-study program if
50 such person has a valid driver ~~driver's~~ license issued by
51 another state. ~~A Any~~ nonresident who is enrolled as a full-time
52 student in any such institution of higher learning is also
53 exempt from the requirement of obtaining a Florida driver
54 ~~driver's~~ license for the duration of such enrollment.

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

61 Section 11. Subsection (5) of section 322.121, Florida
62 Statutes, is amended to read:

63 322.121 Periodic reexamination of all drivers.—

64 (5) A member ~~Members~~ of the United States Armed Forces,
65 his or her spouse, or a dependent ~~their dependents~~ residing with
66 him or her ~~them~~, shall be granted an automatic extension for the
67 expiration of his or her ~~their~~ Class E license ~~licenses~~ without
68 reexamination while the member of the United States Armed Forces
69 is serving on active duty outside this state. This extension is

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70 valid for 90 days after the member of the United States Armed
71 Forces is either discharged or returns to this state to live.

72

73

74

75

76

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

77

Remove line 20 and insert:

78

s. 322.031, F.S.; providing that the spouse of a member of the
79 United States Armed Forces is not required to obtain a Florida
80 driver license because he or she enters his or her children in
81 public school in this state under certain circumstances;

82

providing that a dependent of a member of the United States
83 Armed Forces is not required to obtain a Florida driver license
84 under certain circumstances; updating terminology; amending s.

85

322.121, F.S.; providing that the spouse of a member of the

86

United States Armed Forces is granted an automatic extension for
87 the expiration of a certain class of driver license under

88

certain circumstances; amending s. 455.213, F.S.; extending the
89 application deadline

90



Amendment No.2

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 PCB: Veteran & Military Affairs
 2 Subcommittee

3 Representative Cummings offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 344 and 345, insert:

7 Section 11. Section 458.315, Florida Statutes, is amended
8 to read:

9 458.315 Temporary certificate for practice in areas of
10 critical need.—

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

14 ~~(2) The board may issue a temporary certificate for~~
15 ~~practice in areas of critical need to a Any physician who÷~~

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16 ~~(a) Is holds an active and valid license licensed to~~
17 ~~practice in any jurisdiction in the United States, and whose~~
18 ~~license is currently valid; or~~

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

22
23 ~~and who pays an application fee of \$300, and will practice: may~~
24 ~~be issued a temporary certificate for practice in areas of~~
25 ~~critical need.~~

26 ~~(3) A certificate may be issued to a physician who:~~

27 ~~(a) Will practice in In an area of critical need;~~

28 ~~(b) Will be employed by or practice in In, or be employed~~
29 ~~by, a county health department; correctional facility;~~
30 ~~Department of Veterans' Affairs clinic; community health center~~
31 ~~funded by s. 329, s. 330, or s. 340 of the United States Public~~
32 ~~Health Services Act; or other agency or institution that is~~
33 ~~approved by the State Surgeon General and provides health care~~
34 ~~to meet the needs of underserved populations in this state; or~~

35 ~~(c) For Will practice for a limited time to address~~
36 ~~critical physician-specialty, demographic, or geographic needs~~
37 ~~for this state's physician workforce as determined by the State~~
38 ~~Surgeon General.~~

39 ~~(2)(4) The board Board of Medicine may issue a this~~
40 ~~temporary certificate with the following restrictions:~~



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41 (a) The State Surgeon General shall determine the areas of
42 critical need. Such areas include, but are not limited to,
43 health professional shortage areas designated by the United
44 States Department of Health and Human Services.

45 1. A recipient of a temporary certificate for practice in
46 areas of critical need may use the certificate to work for any
47 approved entity in any area of critical need or as authorized by
48 the State Surgeon General.

49 2. The recipient of a temporary certificate for practice
50 in areas of critical need shall, within 30 days after accepting
51 employment, notify the board of all approved institutions in
52 which the licensee practices and of all approved institutions
53 where practice privileges have been denied.

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

59 1. Issue ~~issue~~ the temporary certificate;7

60 2. Deny the temporary certificate;~~notify the applicant of~~
61 ~~denial, or~~

62 3. Require ~~notify~~ the applicant ~~that the board recommends~~
63 to complete additional assessment, training, education, or other
64 requirements as a condition of certification.

65 (c) If the applicant has not actively practiced during the
66 prior 3 years and the board determines that the applicant may



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67 lack clinical competency, possess diminished or inadequate
68 skills, lack necessary medical knowledge, or exhibit patterns of
69 deficits in clinical decisionmaking, the board may, within 10
70 days after receipt of the complete application,:

71 1. Deny the application;

72 2. Issue a temporary certificate having reasonable
73 restrictions that may include, but are not limited to, a
74 requirement for the applicant to practice under the supervision
75 of a physician approved by the board; or

76 3. Issue a temporary certificate upon receipt of
77 documentation confirming that the applicant has met any
78 reasonable conditions of the board which may include, but are
79 not limited to, completing continuing education or undergoing an
80 assessment of skills and training.

81 (d) ~~(e)~~ Any certificate issued under this section is valid
82 only so long as the State Surgeon General determines that the
83 reason for which it was issued remains a critical need to the
84 state. The board ~~Board of Medicine~~ shall review each temporary
85 certificateholder not less than annually to ascertain that the
86 minimum requirements of the Medical Practice Act and its adopted
87 rules are being complied with. If it is determined that such
88 minimum requirements are not being met, the board shall revoke
89 such certificate or shall impose restrictions or conditions, or
90 both, as a condition of continued practice under the
91 certificate.



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

98 (3) ~~(5)~~ The application fee and all licensure fees,
99 including neurological injury compensation assessments, shall be
100 waived for those persons obtaining a temporary certificate to
101 practice in areas of critical need for the purpose of providing
102 volunteer, uncompensated care for low-income residents. The
103 applicant must submit an affidavit from the employing agency or
104 institution stating that the physician will not receive any
105 compensation for any service involving the practice of medicine.

106 (4) The board shall create a simplified application for
107 temporary certificates for practice in areas of critical need to
108 reduce administrative impediments and maximize participation.
109 The application may not request redundant information, such as
110 information accessible through the department's licensing
111 database and information about qualifications, including
112 education or training, required for the applicant's current
113 license in another jurisdiction.

114 Section 12. Section 458.3151, Florida Statutes, is created
115 to read:

116 458.3151 Temporary certificate for active duty military
117 and veterans practicing in areas of critical need.-



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

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

123 (a) In an area of critical need;

124 (b) In, or be employed by, a county health department;
125 correctional facility; Department of Veterans' Affairs clinic;
126 community health center funded by s. 329, s. 330, or s. 340 of
127 the United States Public Health Services Act; or other agency or
128 institution that is approved by the State Surgeon General and
129 provides health care to meet the needs of underserved
130 populations in this state; or

131 (c) For a limited time to address critical physician-
132 specialty, demographic, or geographic needs for this state's
133 physician workforce as determined by the State Surgeon General.

134 (3) To be eligible for a temporary certificate, a
135 physician must submit to the board a complete application and:

136 (a) Proof of an active and valid license to practice in
137 any jurisdiction in the United States;

138 (b) An affidavit from the employing agency or institution
139 stating that the physician will not receive any compensation for
140 any service involving the practice of medicine;

141 (c) If on active duty, a letter from the physician's
142 military command authorizing the physician to practice medicine
143 at an approved entity in an area of critical need; and



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144 (d) Documentation demonstrating the physician is serving
145 on active duty in the United States Armed Forces as a
146 commissioned medical officer or has served as a commissioned
147 medical officer in the United States Armed Forces for at least
148 10 years and received an honorable discharge from the military.

149 (4) The board shall use a simplified application for
150 temporary certificates for practice in areas of critical need to
151 maximize participation by physicians by reducing administrative
152 impediments. The board may not request redundant information,
153 such as information:

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

155 (b) Regarding qualifications, including education or
156 training, required for the applicant's current license in
157 another jurisdiction.

158 (c) Contained in the supporting documentation provided by
159 the applicant required under paragraphs (3) (a)-(d).

160 (5) The application fee and all licensure fees shall be
161 waived for persons obtaining a temporary certificate to practice
162 in areas of critical need pursuant to this section.

163 (6) (a) Within 10 days after receipt of a complete
164 application for a temporary certificate, the board must review
165 the application and associated documentation, and:

166 1. Issue the temporary certificate; .

167 2. Deny the temporary certificate; or

168 3. Require the applicant to complete additional
169 assessment, training, education, or other requirements as a



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170 condition of certification. The board must issue a temporary
171 certificate upon receipt of documentation demonstrating that the
172 board's requirements have been met.

173 (b) If an applicant has not actively practiced medicine
174 during the prior 3 years and the board determines the applicant
175 may lack clinical competency, possess diminished or inadequate
176 skills, lack necessary medical knowledge, or exhibit patterns of
177 deficits in clinical decisionmaking, the board may, within 10
178 days after receipt of a complete application,:

179 1. Deny the application;

180 2. Issue a temporary certificate having reasonable
181 restrictions including, but not limited to, a requirement that
182 the applicant practice under the supervision of a physician
183 approved by the board; or

184 3. Issue a temporary certificate upon receipt of
185 documentation confirming that the applicant has met any
186 reasonable conditions of the board including, but not limited
187 to, completing continuing education or undergoing an assessment
188 of skills and training.

189 (c) The board may not issue a temporary certificate for
190 practice in an area of critical need to any physician who is
191 under investigation in any jurisdiction in the United States for
192 an act that would constitute a violation of this chapter until
193 such time as the investigation is complete, at which time the
194 provisions of s. 458.331 apply.

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195 (7) The recipient of a temporary certificate for practice
196 in areas of critical need shall, within 30 days after accepting
197 employment, notify the board of all approved institutions in
198 which the licensee practices and of all approved institutions
199 where practice privileges have been denied. A physician holding
200 a temporary certificate for practice in areas of critical need
201 may enter into a contract to provide volunteer health care
202 services pursuant to s. 766.1115.

203 (8) The board shall review each temporary
204 certificateholder not less than annually to ascertain compliance
205 with the minimum requirements of this section, the Medical
206 Practice Act, and its adopted rules. If it is determined that
207 such minimum requirements are not met, the board shall revoke
208 such certificate or shall impose restrictions or conditions, or
209 both, as a condition of continued practice under the
210 certificate. A certificate issued under this section is valid as
211 long as the State Surgeon General determines that the reason for
212 which it was issued remains a critical need to the state.

213 Section 13. Section 459.0076, Florida Statutes, is amended
214 to read:

215 459.0076 Temporary certificate for practice in areas of
216 critical need.-

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

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220 ~~(2) The board may issue a temporary certificate for~~
221 ~~practice in areas of critical need to a Any physician who:~~
222 ~~(a) Is holds an active and valid license licensed to~~
223 ~~practice in any jurisdiction in the United States, and whose~~
224 ~~license is currently valid; or~~
225 ~~(b) Has served as a physician in the United States Armed~~
226 ~~Forces for at least 10 years and received an honorable discharge~~
227 ~~from the military;~~
228
229 ~~and who pays an application fee of \$300, and will practice: may~~
230 ~~be issued a temporary certificate for practice in areas of~~
231 ~~critical need.~~
232 ~~(3) A certificate may be issued to a physician who:~~
233 ~~(a) Will practice in In an area of critical need;~~
234 ~~(b) Will be employed by or practice in In, or be employed~~
235 ~~by, a county health department; correctional facility;~~
236 ~~Department of Veterans' Affairs clinic; community health center~~
237 ~~funded by s. 329, s. 330, or s. 340 of the United States Public~~
238 ~~Health Services Act; or other agency or institution that is~~
239 ~~approved by the State Surgeon General and provides health care~~
240 ~~to meet the needs of underserved populations in this state; or~~
241 ~~(c) For Will practice for a limited time to address~~
242 ~~critical physician-specialty, demographic, or geographic needs~~
243 ~~for this state's physician workforce as determined by the State~~
244 ~~Surgeon General.~~

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245 | (2)~~(4)~~ The board ~~Board of Osteopathic Medicine~~ may issue a
246 | ~~this~~ temporary certificate with the following restrictions:

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

251 | 1. A recipient of a temporary certificate for practice in
252 | areas of critical need may use the certificate to work for any
253 | approved entity in any area of critical need or as authorized by
254 | the State Surgeon General.

255 | 2. The recipient of a temporary certificate for practice
256 | in areas of critical need shall, within 30 days after accepting
257 | employment, notify the board of all approved institutions in
258 | which the licensee practices and of all approved institutions
259 | where practice privileges have been denied.

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

265 | 1. Issue ~~issue~~ the temporary certificate;;

266 | 2. Deny the temporary certificate;~~notify the applicant of~~
267 | ~~denial, or~~

268 | 3. Require ~~notify~~ the applicant ~~that the board recommends~~
269 | to complete additional assessment, training, education, or other
270 | requirements as a condition of certification.

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271 (c) If the applicant has not actively practiced during the
272 prior 3 years and the board determines that the applicant may
273 lack clinical competency, possess diminished or inadequate
274 skills, lack necessary medical knowledge, or exhibit patterns of
275 deficits in clinical decisionmaking, the board may, within 10
276 days after receipt of the complete application,:

- 277 1. Deny the application;
- 278 2. Issue a temporary certificate having reasonable
279 restrictions that may include, but are not limited to, a
280 requirement for the applicant to practice under the supervision
281 of a physician approved by the board; or
- 282 3. Issue a temporary certificate upon receipt of
283 documentation confirming that the applicant has met any
284 reasonable conditions of the board which may include, but are
285 not limited to, completing continuing education or undergoing an
286 assessment of skills and training.

287 ~~(d)(e)~~ Any certificate issued under this section is valid
288 only so long as the State Surgeon General determines that the
289 reason for which it was issued remains a critical need to the
290 state. The board ~~Board of Osteopathic Medicine~~ shall review each
291 temporary certificateholder not less than annually to ascertain
292 that the minimum requirements of the Osteopathic Medical
293 Practice Act and its adopted rules are being complied with. If
294 it is determined that such minimum requirements are not being
295 met, the board shall revoke such certificate or shall impose

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296 restrictions or conditions, or both, as a condition of continued
297 practice under the certificate.

298 ~~(e)~~ (d) The board may not issue a temporary certificate for
299 practice in an area of critical need to any physician who is
300 under investigation in any jurisdiction in the United States for
301 an act that would constitute a violation of this chapter until
302 such time as the investigation is complete, at which time the
303 provisions of s. 459.015 apply.

304 ~~(3)~~ (5) The application fee and all licensure fees,
305 including neurological injury compensation assessments, shall be
306 waived for those persons obtaining a temporary certificate to
307 practice in areas of critical need for the purpose of providing
308 volunteer, uncompensated care for low-income residents. The
309 applicant must submit an affidavit from the employing agency or
310 institution stating that the physician will not receive any
311 compensation for any service involving the practice of medicine.

312 (4) The board shall create a simplified application for
313 temporary certificates for practice in areas of critical need to
314 reduce administrative impediments and maximize participation.
315 The application may not request redundant information, such as
316 information accessible through the department's licensing
317 database and information about qualifications, including
318 education or training, required for the applicant's current
319 license in another jurisdiction.

320 Section 14. Section 459.00761, Florida Statutes, is
321 created to read:

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322 459.00761 Temporary certificate for active duty military
323 and veterans practicing in areas of critical need.-

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

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

329 (a) In an area of critical need;

330 (b) In, or be employed by, a county health department;
331 correctional facility; Department of Veterans' Affairs clinic;
332 community health center funded by s. 329, s. 330, or s. 340 of
333 the United States Public Health Services Act; or other agency or
334 institution that is approved by the State Surgeon General and
335 provides health care to meet the needs of underserved
336 populations in this state; or

337 (c) For a limited time to address critical physician-
338 specialty, demographic, or geographic needs for this state's
339 physician workforce as determined by the State Surgeon General.

340 (3) To be eligible for a temporary certificate, a
341 physician must submit to the board a complete application and:

342 (a) Proof of an active and valid license to practice in
343 any jurisdiction in the United States;

344 (b) An affidavit from the employing agency or institution
345 stating that the physician will not receive any compensation for
346 any service involving the practice of medicine;



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347 (c) If on active duty, a letter from the physician's
348 military command authorizing the physician to practice medicine
349 at an approved entity in an area of critical need; and

350 (d) Documentation demonstrating the physician is serving
351 on active duty in the United States Armed Forces as a
352 commissioned medical officer or has served as a commissioned
353 medical officer in the United States Armed Forces for at least
354 10 years and received an honorable discharge from the military.

355 (4) The board shall use a simplified application for
356 temporary certificates for practice in areas of critical need to
357 maximize participation by physicians by reducing administrative
358 impediments. The board may not request redundant information,
359 such as information:

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

361 (b) Regarding qualifications, including education or
362 training, required for the applicant's current license in
363 another jurisdiction.

364 (c) Contained in the supporting documentation provided by
365 the applicant required under paragraphs (3)(a)-(d).

366 (5) The application fee and all licensure fees shall be
367 waived for persons obtaining a temporary certificate to practice
368 in areas of critical need pursuant to this section.

369 (6)(a) Within 10 days after receipt of a complete
370 application for a temporary certificate, the board must review
371 the application and associated documentation, and:

372 1. Issue the temporary certificate;

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373 2. Deny the temporary certificate; or

374 3. Require the applicant to complete additional
375 assessment, training, education, or other requirements as a
376 condition of certification. The board must issue a temporary
377 certificate upon receipt of documentation demonstrating that the
378 board's requirements have been met.

379 (b) If an applicant has not actively practiced medicine
380 during the prior 3 years and the board determines the applicant
381 may lack clinical competency, possess diminished or inadequate
382 skills, lack necessary medical knowledge, or exhibit patterns of
383 deficits in clinical decisionmaking, the board may, within 10
384 days after receipt of a complete application, :

385 1. Deny the application;

386 2. Issue a temporary certificate having reasonable
387 restrictions including, but not limited to, a requirement that
388 the applicant practice under the supervision of a physician
389 approved by the board; or

390 3. Issue a temporary certificate upon receipt of
391 documentation confirming that the applicant has met any
392 reasonable conditions of the board including, but not limited
393 to, completing continuing education or undergoing an assessment
394 of skills and training.

395 (c) The board may not issue a temporary certificate for
396 practice in an area of critical need to any physician who is
397 under investigation in any jurisdiction in the United States for
398 an act that would constitute a violation of this chapter until



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399 such time as the investigation is complete, at which time the
400 provisions of s. 459.015 apply.

401 (7) The recipient of a temporary certificate for practice
402 in areas of critical need shall, within 30 days after accepting
403 employment, notify the board of all approved institutions in
404 which the licensee practices and of all approved institutions
405 where practice privileges have been denied. A physician holding
406 a temporary certificate for practice in areas of critical need
407 may enter into a contract to provide volunteer health care
408 services pursuant to s. 766.1115.

409 (8) The board shall review each temporary
410 certificateholder not less than annually to ascertain compliance
411 with the minimum requirements of this section, the Osteopathic
412 Practice Act, and its adopted rules. If it is determined that
413 such minimum requirements are not met, the board shall revoke
414 such certificate or shall impose restrictions or conditions, or
415 both, as a condition of continued practice under the
416 certificate. A certificate issued under this section is valid
417 as long as the State Surgeon General determines that the reason
418 for which it was issued remains a critical need to the state.

419
420
421
422 -----

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

423
424 Remove line 24 and insert:

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425 amending s. 458.315, F.S.; revising the application process for
426 a temporary certificate for practice in areas of critical need;
427 setting new application requirements; requiring the board to
428 create a simplified application; creating s. 458.3151, F.S.;
429 providing that the section may be cited as the "Rear Admiral
430 LeRoy Collins, Jr., Temporary Certificate for Practice in Areas
431 of Critical Need"; providing application requirements for active
432 duty military and veteran physicians to obtain a certificate for
433 practice in areas of critical need; requiring the board to use a
434 simplified application for the certificate; amending s.
435 459.0076, F.S.; revising the application process for a temporary
436 certificate for practice in areas of critical need for
437 Osteopathic physicians; setting new application requirements;
438 requiring the board to create a simplified application; creating
439 s. 459.00761, F.S.; providing that the section may be cited as
440 the "Rear Admiral LeRoy Collins, Jr., Temporary Certificate for
441 Practice in Areas of Critical Need"; providing application
442 requirements for active duty military and veteran Osteopathic
443 physicians to obtain a certificate for practice in areas of
444 critical need; requiring the board to use a simplified
445 application for the certificate; amending s. 499.012, F.S.,
446 providing that specified
447

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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 PCB: Veteran & Military Affairs
 2 Subcommittee

3 Representative Smith offered the following:

Amendment

6 Remove lines 65-169 and insert:
 7 and grade verification for each student directly to the
 8 Education Service Office of the Florida Department of Military
 9 Affairs.

10 (b) The program shall define those members of the Florida
 11 National Guard who are ineligible to participate in the program
 12 and those courses of study which are not authorized for the
 13 program.

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



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17 2. Courses not authorized include noncredit courses,
18 courses that do not meet degree requirements, courses that do
19 not meet requirements for completion of career training, or
20 other courses as determined by program definitions.

21 3. Developmental education courses are authorized for the
22 program.

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

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

28 2. Guidelines for approving courses of study that are
29 authorized for the program, including online courses, courses
30 that are part of the Complete Florida Degree Program under s.
31 1006.735, and courses leading to a degree offered by a Florida
32 College System institution as part of the Governor's \$10,000
33 Degree Challenge.

34 2. Procedures for notification to an institution of a
35 guard member's termination of eligibility.~~7~~and

36 3. Procedures for restitution when a guard member fails to
37 comply with the penalties described in this section.

38 4. Procedures to facilitate the award of academic credit,
39 pursuant to s. 1004.096, for college-level training and
40 education acquired in the military.

41



Amendment No.3

42 In developing the rules, the Adjutant General may work with the
43 University of Florida Institute for Online Learning to establish
44 guidelines for eligibility for University of Florida Online
45 baccalaureate degree programs.

46 (8) Subject to appropriations, the Department of Military
47 Affairs may pay the full cost of tuition and fees for required
48 courses for current members of the Florida National Guard.
49 Members are eligible to use the program upon enlistment in the
50 Florida National Guard. If a member is enrolled in a nonpublic
51 postsecondary education institution or a nonpublic vocational-
52 technical program, the Department of Military Affairs shall pay
53 an amount equal to the amount that would be required to pay for
54 the average tuition and fees at a public postsecondary education
55 institution or public vocational-technical program. Tuition and
56 fees for repeated courses are not eligible.

57 (a) The Department of Military Affairs may reimburse
58 student textbook and instructional material costs in accordance
59 with limits set each fiscal year based on funding availability
60 and ultimately at the Adjutant General's discretion.

61 ~~(b)~~ A member may participate in the program if he or she
62 maintains satisfactory participation in, and is an active
63 drilling member of, the Florida National Guard. Inactive members
64 of the Florida National Guard and members of the Individual
65 Ready Reserve (IRR) are not eligible to participate in the
66 program.

67 (c)~~(b)~~ Penalties for noncompliance with program

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68 requirements include, but are not limited to, the following:

69 1. If a member of the Florida National Guard receives
70 payment of tuition and fees for any academic term and fails to
71 maintain satisfactory participation in the Florida National
72 Guard during that academic term, the member shall reimburse the
73 Department of Military Affairs all tuition charges and student
74 fees for the academic term for which the member received
75 payment.

76 2. If a member of the Florida National Guard leaves the
77 Florida National Guard during the period specified in the
78 member's enlistment or reenlistment contract, the member shall
79 reimburse the Department of Military Affairs all tuition charges
80 and student fees for which the member received payments,
81 regardless of whether the obligation to reimburse the department
82 was incurred before, on, or after July 1, 2009, unless the
83 Adjutant General finds that there are justifiable extenuating
84 circumstances.

85 3. If the service of a member of the Florida National
86 Guard is terminated or the member is placed on scholastic
87 probation while receiving payments, the member shall reimburse
88 the Department of Military Affairs all tuition charges and
89 student fees for the academic term for which the member received
90 payment.

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

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94 (9) Beginning in the 2014-2015 fiscal year, the sum of
95 \$14,500,000 in recurring funds is appropriated from the General
96 Revenue Fund to the Department of Military Affairs to pay the
97 full tuition and fees, not to exceed the in-state rate at the
98 applicable institution, for all Florida National Guard members
99 deployed on or after October 31, 2013. Funds appropriated in
100 this paragraph may be used to reimburse student textbook and
101 instructional material costs, as provided in (8)(a), after all
102 eligible members' tuition and fees are paid for that fiscal
103 year.

104 (a) To be eligible under this subsection, a deployed
105 Florida National Guard member must:

106 1. Enroll in a classroom-based or online degree program at
107 a state university or Florida College System institution within
108 one year after the end of his or her deployment; and

109 2. Meet the eligibility criteria and application
110 requirements for the Educational Dollars for Duty program.

111 (10) For the 2014-2015 fiscal year, the sum of \$1,000,000
112

Amendment No.4

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 PCB: Veteran & Military Affairs
2 Subcommittee
3 Representative Smith offered the following:
4

Amendment

6 Remove lines 380-385 and insert:

7 Young Veteran Tuition Waiver Program. A state university or
8 Florida College System institution shall waive out-of-state fees
9 for an honorably discharged veteran of the Armed Forces of the
10 United States, the United States Reserve Forces, or the National
11 Guard who physically resides in this state while enrolled in the
12 institution. Tuition and fees charged to a
13