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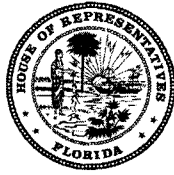
# **Veteran & Military Affairs Subcommittee**

## **MEETING PACKET**

**Tuesday, February 18, 2014  
9:00 AM – 11:00 AM  
12 HOB**

**Will Weatherford  
Speaker**

**Ronald "Doc" Renuart  
Chair**



# **The Florida House of Representatives**

## **Economic Affairs Committee**

### **Veteran & Military Affairs Subcommittee**

**Will Weatherford**  
Speaker

**Ronald "Doc" Renuart**  
Chair

### **Meeting Agenda** **February 18, 2014** **9:00 AM – 11:00 AM** **12 HOB**

- I. Call to Order & Opening Remarks by the Chairman**
- II. Consideration of the following bill(s):**
  - CS/HB 215 – Federal Write-in Absentee Ballot by Rep. Broxson**
  - HB 599 – Military Veterans by Rep. Metz**
  - HB 731 – POW-MIA Chair of Honor Memorial by Rep. Hood**
- III. Closing Remarks by the Chairman**
- IV. Adjournment**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 215 Federal Write-in Absentee Ballot  
**SPONSOR(S):** Ethics & Elections Subcommittee and Broxson  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 486

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Ethics & Elections Subcommittee	10 Y, 0 N, As CS	Davison	Marino
2) Veteran & Military Affairs Subcommittee		Dugan RD	Kiner KKK
3) State Affairs Committee			

### SUMMARY ANALYSIS

Absent uniformed services voters and overseas voters may vote via three different types of ballots: state absentee ballots, state write-in absentee ballots, or federal write-in absentee ballots.

Federal write-in absentee ballots (FWABs) are available to absent uniformed services voters and overseas voters who apply for, but do not receive, a state absentee ballot. FWABs can be used to vote in any general election for federal office, and in state or local elections involving two or more candidates. Approximately 2,268 voters used FWABs in Florida in the 2012 general election, which is approximately 2.6 percent of the total absentee ballots cast by uniformed services and overseas voters.

The bill expands the permitted uses of FWABs to include uncontested races, merit retention races, and ballot measures.

The bill does not appear to have a fiscal impact on state or local government.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### *Current Situation*

##### Federal Write-in Absentee Ballots

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to permit absent uniformed services and overseas voters who apply for, but do not receive, a state absentee ballot to use a federal write-in absentee ballot (FWAB) to vote in any general election for federal office.<sup>1</sup> Florida law expands the use of a FWAB to include federal races in any election, as well as state or local elections involving two or more candidates.<sup>2</sup> Therefore, FWABs are not permitted for an uncontested race, a merit retention race (where there is only one candidate), or a ballot measure (where there is no candidate).<sup>3</sup>

Absent uniformed services and overseas voters may obtain a FWAB through the Federal Voting Assistance Program (FVAP).<sup>4</sup> FVAP provides assistance for absent uniformed services and overseas voters. FVAP's website provides a step-by-step guide for voters to either request an absentee ballot or fill out a FWAB. The website includes information regarding how and where to mail the FWAB once completed.

In an election for federal office, the voter completes the FWAB by writing the name of the candidate in boxes designated for President/Vice President, U.S. Senator, and U.S. Representative.<sup>5</sup> In an election for state or local office, the voter completes the section designated as "addendum" for non-federal races by writing the title of each office and the name of the candidate for whom the voter is voting.<sup>6</sup>

Except for primary, special primary, or nonpartisan elections, the voter may write in the name of a political party as opposed to the name of the candidate. In both federal and state or local elections, a voter's designation of a political party must be counted as a vote for the candidate of that party if there is such a party candidate in the race.<sup>7</sup>

For races with joint candidacy, such as President/Vice President or Governor/Lieutenant Governor, a vote for one or both candidates on the same ticket constitutes a vote for the joint candidacy.<sup>8</sup> If a candidate in the election is affiliated with a political party whose name includes the word "Independent," "Independence," or a similar term, a voter's designation on the FWAB of "No Party Affiliation" or "Independent," or any other minor variation, misspelling, or abbreviation thereof is considered a designation for the candidate, except for a write-in candidate, who qualified to run with no party affiliation. If more than one candidate qualifies with no party affiliation, the voter's designation does not count for any candidate unless there is a valid, additional designation of the candidate's name.<sup>9</sup>

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<sup>1</sup> 42 U.S.C.A. § 1973ff-1(a)(3) (2009).

<sup>2</sup> s. 101.6952(2), F.S. (2013).

<sup>3</sup> The FWAB was recently changed to permit the use of ballot measures, but Florida law currently precludes it.

<sup>4</sup> Federal Voting Assistance Program, available at: <http://www.fvap.gov/> (last viewed February 13, 2014).

<sup>5</sup> Residents of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands may vote for Delegate or Resident Commissioner to the Congress in the same part of the form.

<sup>6</sup> s. 101.6952(2)(b), F.S. (2013).

<sup>7</sup> Id.

<sup>8</sup> s. 101.6952(2)(c), F.S. (2013).

<sup>9</sup> s. 101.6952(2)(d), F.S. (2013).

In determining the validity of a FWAB, any abbreviation, misspelling, or other minor variation in the form of the name of an office, the name of a candidate, or the name of a political party must be disregarded.<sup>10</sup>

An absent uniformed services or overseas voter who submits a FWAB and later receives an official absentee ballot may still submit the official absentee ballot. A voter in this situation should make every reasonable effort to inform the local supervisor of elections that he or she has submitted more than one ballot.<sup>11</sup> If both an official absentee ballot and a FWAB are received by 7 p.m. on election day, the FWAB is invalid and the official absentee ballot is canvassed.<sup>12</sup>

Absent voters must mail FWABs to the supervisor of elections of the county where they reside. FWABs may be canvassed beginning at 7 p.m. on the day of the election.<sup>13</sup>

FWABs must be submitted and processed in the same manner provided by law for state absentee ballots for the state the voter is voting in. A FWAB is not valid if the voter is an overseas voter (*not* an absent uniformed services voter) who submits the ballot from any location in the United States. A FWAB is not counted if the application for an absentee ballot is received by the state election official after a certain deadline. An application for an absentee ballot must be timely received in order for a FWAB to count.<sup>14</sup>

Approximately 2,268 voters used FWABs in Florida in the 2012 general election, which is approximately 2.6 percent of the total absentee ballots cast by uniformed services and overseas voters.<sup>15</sup>

### State Absentee Ballots

The UOCAVA requires each state to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office.<sup>16</sup> Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures. Any voter may obtain an absentee ballot by submitting a request to his or her supervisor of elections in person, by phone, or in writing (online or by mail, fax, or e-mail).<sup>17</sup> Absent uniformed services and overseas voters may receive their state absentee ballots by forwardable mail, e-mail, or fax machine transmission.<sup>18</sup> The voter may designate in the absentee ballot request the preferred method of transmission.<sup>19</sup> If the voter does not designate the method of transmission, the ballot must be delivered by mail.<sup>20</sup>

The timing of the delivery of an absentee ballot to a uniformed services or overseas voter depends on when the supervisor of elections receives the voter's absentee ballot request. The following table describes the timing of the delivery of state absentee ballots to absent uniformed services and overseas voters prior to each presidential preference primary, primary election, and general election:

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<sup>10</sup> s. 101.6952(2)(e), F.S. (2013).

<sup>11</sup> s. 101.6952(3)(a), F.S. (2013); 42 U.S.C.A. § 1973ff-2(b) (2009).

<sup>12</sup> s. 101.6952(3)(b), F.S. (2013).

<sup>13</sup> *Id.*

<sup>14</sup> 42 U.S.C.A. § 1973ff-2(b) (2009).

<sup>15</sup> U.S. Election Assistance Commission, *2012 Uniformed and Overseas Citizens Absentee Voting Act Report*, July 2013, available at: [http://www.eac.gov/research/uocava\\_studies.aspx](http://www.eac.gov/research/uocava_studies.aspx) (last viewed February 13, 2014).

<sup>16</sup> 42 U.S.C.A. § 1973ff-1(a)(1) (2009).

<sup>17</sup> s. 101.62(1)(a)-(b), F.S. (2013).

<sup>18</sup> s. 101.62(4)(c)2., F.S. (2013).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

**Delivery of State Absentee Ballots to Absent Uniformed Services and Overseas Voters**

<b>Days Before Election</b>	<b>Delivery Method Requested</b>	<b>Time Request Must Be Received Prior to Election</b>	<b>Time of Delivery</b>
45 days or more before each election	Mail, fax, or e-mail	More than 45 days before the election	Must be sent at least 45 days before the election <sup>21</sup>
Less than 45 days before each election	Mail	No later than 5 p.m. on the sixth day before the election <sup>22</sup>	Must be mailed no later than 4 days before the election <sup>23</sup>
	Fax or e-mail	Any time before the polls close	May be sent at any time before the polls close

State absentee ballots for uniformed services and overseas voters may only be returned by mail, by fax, in person, or through someone else on behalf of the voter.<sup>24</sup> To be accepted and counted, the ballots must be received by the supervisor of elections by 7 p.m. on election day.<sup>25</sup> For state absentee ballots returned by absent uniformed services and overseas voters in a presidential preference primary or general election, the ballot is counted if it is postmarked or dated no later than the date of the election, and it is received by the supervisor of elections no later than 10 days after the date of the election.<sup>26</sup>

Approximately 83,231 uniformed services voters and overseas voters used state absentee ballots in Florida in the 2012 general election.<sup>27</sup> As of 2013, more than 450,000 U.S. Department of Defense employees are stationed overseas.<sup>28</sup>

State Write-in Absentee Ballots

An overseas voter may also request, no earlier than 180 days before a general election, a state write-in absentee ballot (SWAB) from his or her supervisor of elections. The voter must state that due to military or "other contingencies" that preclude normal delivery, the voter cannot vote a state absentee ballot during the normal absentee voting period. SWABs must be made available to voters 90 to 180 days prior to a general election.<sup>29</sup> The SWAB must contain all offices (federal, state, and local) for which the voter would otherwise be entitled to vote.<sup>30</sup> On the SWAB, the voter may indicate the name of the candidate or a political party, in which case the ballot is counted for the candidate of that political party, if there is such a party candidate on the ballot.<sup>31</sup> Any abbreviation, misspelling, or other minor variation in the form of a candidate or a political party must be disregarded in determining the validity of the ballot if there is a clear indication on the ballot that the voter has made a definite choice.<sup>32</sup> For the retention of justices of the Supreme Court and judges of a district court of appeal, the supervisor must print the

<sup>21</sup> s. 101.62(4)(a), F.S. (2013); 42 U.S.C.A. § 1973ff-1(a)(8) (2009).

<sup>22</sup> s. 101.62(2), F.S. (2013). This provision also applies to absentee ballot requests submitted by voters who are not absent uniformed services or overseas voters.

<sup>23</sup> s. 101.62(2), F.S. (2013). This provision also applies to absentee ballot requests submitted by voters who are not absent uniformed services or overseas voters.

<sup>24</sup> 1S-2.030(4), F.A.C. (2012).

<sup>25</sup> Id.

<sup>26</sup> s. 101.6952(5), F.S. (2013).

<sup>27</sup> U.S. Election Assistance Commission, *2012 Uniformed and Overseas Citizens Absentee Voting Act Report*, July 2013, available at: [http://www.eac.gov/research/uocava\\_studies.aspx](http://www.eac.gov/research/uocava_studies.aspx) (last viewed February 13, 2014).

<sup>28</sup> USDOD website, available at: <http://www.defense.gov/about/> (last viewed February 13, 2014).

<sup>29</sup> s. 101.6951(1), F.S. (2013). The SWAB form is established by Rule 1S-2.028, F.A.C.

<sup>30</sup> s. 101.6951(4), F.S. (2013).

<sup>31</sup> s. 101.6951(2), F.S. (2013).

<sup>32</sup> s. 101.6951(3), F.S. (2013).

names of the incumbent justices and judges scheduled to be on the ballot for retention in the election on the SWAB.<sup>33</sup>

#### Department of State Rulemaking Authority

The Department of State (DOS) is generally authorized to adopt rules to obtain and maintain uniformity in the interpretation and implementation of the election laws.<sup>34</sup> Section 102.166(4)(b), F.S., requires DOS to adopt rules for FWABs and specifies the minimum issues the rules must address. DOS has adopted by rule the standards for determining a voter's choice on a FWAB.<sup>35</sup>

#### *Effect of Proposed Changes*

The bill expands the permitted uses of FWABs to include uncontested races, merit retention races,<sup>36</sup> and ballot measures.

For uncontested races, a voter would indicate the uncontested race in the first blank of the FWAB. In the second blank, the voter would indicate the candidate's name or political party.

For ballot measures, a voter would indicate in the first blank the ballot measure, and in the second blank, the voter would indicate a yes or no vote. The bill requires that any abbreviation, misspelling, or other minor variation in the form of the ballot measure be disregarded in determining the validity of the ballot. The bill does not explicitly specify what methods a voter can use to indicate which ballot measure he or she intends to vote on (i.e., "Ballot Measure 1," "Tax Measure," etc.).

A vote cast in a judicial merit retention election would be treated in the same manner as a vote cast for a ballot measure. In the second blank of the FWAB, the voter may only indicate "yes" or "no." The bill does not explicitly specify by what methods a voter would use to indicate which judicial officer he or she intends to vote for or against (i.e., "Florida Supreme Court Justice," "John Smith," "Supreme Court Justice/John Smith," etc.). It appears that DOS has sufficient rulemaking authority to address these issues.

The bill also expands required rulemaking to include the changes made by the bill.

The bill is effective on July 1, 2014.

#### B. SECTION DIRECTORY:

Section 1: amends s. 101.6952, F.S., authorizing absent uniformed services voters and overseas voters to use the federal write-in absentee ballot in any state or local election; providing that an eligible elector may vote on any ballot measure in an election using the federal write-in absentee ballot.

Section 2: amends s. 102.166, F.S., revising minimum requirements for DOS rules used in determining what constitutes a valid vote on a federal write-in absentee ballot involving manual recounts.

Section 3: provides an effective date.

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<sup>33</sup> 1S-2.028, F.A.C. (2003).

<sup>34</sup> s. 97.012(1), F.S. (2013).

<sup>35</sup> See 1S-2.051, F.A.C. (2003).

<sup>36</sup> See art. V, sec. 10, Fla. Const.



## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill also expands required rulemaking to include the changes made by the bill.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 8, 2014, the Ethics and Elections Subcommittee adopted an amendment, the effect of which was to conform the bill to SB 486. The amendment specifies that on FWABs, a vote cast in a judicial merit retention election must be treated in the same manner as a ballot measure.

1                                   A bill to be entitled  
 2           An act relating to the federal write-in absentee  
 3           ballot; amending s. 101.6952, F.S.; authorizing absent  
 4           uniformed services voters and overseas voters to use  
 5           the federal write-in absentee ballot in any state or  
 6           local election; providing that an eligible elector may  
 7           vote on any ballot measure in an election using the  
 8           federal write-in absentee ballot; specifying that a  
 9           vote cast in a judicial merit retention election be  
 10          treated in the same manner as a vote on certain ballot  
 11          measures; making technical changes; amending s.  
 12          102.166, F.S.; revising minimum requirements for  
 13          Department of State rules used in determining what  
 14          constitutes a valid vote on a federal write-in  
 15          absentee ballot; providing an effective date.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Subsection (2) of section 101.6952, Florida  
 20           Statutes, is amended to read:

21           101.6952 Absentee ballots for absent uniformed services  
 22           and overseas voters.—

23           (2)(a) An absent uniformed services voter or an overseas  
 24           voter who makes timely application for but does not receive an  
 25           official absentee ballot may use the federal write-in absentee  
 26           ballot to vote in any federal, election and any state, or local

27 election ~~involving two or more candidates.~~

28 (b)1. In an election for federal office, an elector may  
 29 designate a candidate by writing the name of a candidate on the  
 30 ballot. Except for a primary or special primary election, the  
 31 elector may alternatively designate a candidate by writing the  
 32 name of a political party on the ballot. A written designation  
 33 of the political party shall be counted as a vote for the  
 34 candidate of that party if there is such a party candidate in  
 35 the race.

36 2. ~~In an election for~~ a state or local election ~~office,~~ an  
 37 elector may vote in the section of the federal write-in absentee  
 38 ballot designated for nonfederal races by writing on the ballot  
 39 the title of each office and by writing on the ballot the name  
 40 of the candidate for whom the elector is voting. Except for a  
 41 primary, special primary, or nonpartisan election, the elector  
 42 may alternatively designate a candidate by writing the name of a  
 43 political party on the ballot. A written designation of the  
 44 political party shall be counted as a vote for the candidate of  
 45 that party if there is such a party candidate in the race. In  
 46 addition, the elector may vote on any ballot measure presented  
 47 in such election by identifying the ballot measure on which he  
 48 or she desires to vote and specifying his or her vote on the  
 49 measure. For purposes of this section, a vote cast in a judicial  
 50 merit retention election shall be treated in the same manner as  
 51 a ballot measure where the only allowable responses are "Yes"  
 52 and "No."

53 (c) In the case of a joint candidacy, such as for the  
 54 offices of President/Vice President or Governor/Lieutenant  
 55 Governor, a valid vote for one or both qualified candidates on  
 56 the same ticket shall constitute a vote for the joint candidacy.

57 (d) For purposes of this subsection and except where the  
 58 context clearly indicates otherwise, such as where a candidate  
 59 in the election is affiliated with a political party whose name  
 60 includes the word "Independent," "Independence," or a similar  
 61 term, a voter designation of "No Party Affiliation" or  
 62 "Independent," or any minor variation, misspelling, or  
 63 abbreviation thereof, shall be considered a designation for the  
 64 candidate, other than a write-in candidate, who qualified to run  
 65 in the race with no party affiliation. If more than one  
 66 candidate qualifies to run as a candidate with no party  
 67 affiliation, the designation does ~~shall~~ not count for any  
 68 candidate unless there is a valid, additional designation of the  
 69 candidate's name.

70 (e) Any abbreviation, misspelling, or other minor  
 71 variation in the form of the name of an office, the name of a  
 72 candidate, the ballot measure, or the name of a political party  
 73 must be disregarded in determining the validity of the ballot.

74 Section 2. Subsection (4) of section 102.166, Florida  
 75 Statutes, is amended to read:

76 102.166 Manual recounts of overvotes and undervotes.—

77 (4)(a) A vote for a candidate or ballot measure shall be  
 78 counted if there is a clear indication on the ballot that the

79 voter has made a definite choice.

80 (b) The Department of State shall adopt specific rules for  
 81 the federal write-in absentee ballot and for each certified  
 82 voting system prescribing what constitutes a "clear indication  
 83 on the ballot that the voter has made a definite choice." The  
 84 rules shall be consistent, to the extent practicable, and may  
 85 not:

86 1. Exclusively provide that the voter must properly mark  
 87 or designate his or her choice on the ballot; or

88 2. Contain a catch-all provision that fails to identify  
 89 specific standards, such as "any other mark or indication  
 90 clearly indicating that the voter has made a definite choice."

91 (c) The rule for the federal write-in absentee ballot must  
 92 address, at a minimum, the following issues:

93 1. The appropriate lines or spaces for designating a  
 94 candidate choice and, for state and local races, the office or  
 95 ballot measure to be voted, including the proximity of each to  
 96 the other and the effect of intervening blank lines.

97 2. The sufficiency of designating a candidate's first or  
 98 last name when no other candidate in the race has the same or a  
 99 similar name.

100 3. The sufficiency of designating a candidate's first or  
 101 last name when an opposing candidate has the same or a similar  
 102 name, notwithstanding generational suffixes and titles such as  
 103 "Jr.," "Sr.," or "III." The rule should contemplate the  
 104 sufficiency of additional first names and first initials, middle

105 names and middle initials, generational suffixes and titles,  
 106 nicknames, and, in general elections, the name or abbreviation  
 107 of a political party.

108 4. Candidate designations containing both a qualified  
 109 candidate's name and a political party, including those in which  
 110 ~~where~~ the party designated is the candidate's party, is not the  
 111 candidate's party, has an opposing candidate in the race, or  
 112 does not have an opposing candidate in the race.

113 5. Situations where the abbreviation or name of a  
 114 candidate is the same as the abbreviation or name of a political  
 115 party to which the candidate does not belong, including those in  
 116 which ~~where~~ the party designated has another candidate in the  
 117 race or does not have a candidate in the race.

118 6. The use of marks, symbols, or language, such as arrows,  
 119 quotation marks, or the word "same" or "ditto," to indicate that  
 120 the same political party designation applies to all listed  
 121 offices or the elector's approval or disapproval of all listed  
 122 ballot measures.

123 7. Situations in which ~~where~~ an elector designates the  
 124 name of a qualified candidate for an incorrect office.

125 8. Situations in which ~~where~~ an elector designates an  
 126 otherwise correct office name that includes an incorrect  
 127 district number.

128 Section 3. This act shall take effect July 1, 2014.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 559 Military Veterans  
**SPONSOR(S):** Metz and others  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 724

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Dugan <i>RD</i>	Kiner <i>JK</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill relates to military special use license plates issued by the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill renames the Korean Conflict Veteran special use license plate as the Korean War Veteran special use license plate and redesigns that plate and the Vietnam War Veteran special use license plate by requiring that the likeness of the relevant campaign medal or badge be placed on the respective plate. The bill also revises statutory references to "Korean Conflict" and "Vietnam Era" to conform to the changes.

The bill also creates a new special use license plate for a recipient of the Combat Medical Badge and redesigns several special use license plates for military servicemembers or veterans identified in s. 320.089, F.S., by requiring that the likeness of the relevant campaign medal or badge be placed on the respective plate.

As under current law, the first \$100,000 of the General Revenue from the issuance of these special use license plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional General Revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans. For Fiscal Year 2012-2013, the total revenue from these plates was \$2,112,491.73.

According to the Florida Department of Veterans' Affairs (DVA), the bill will have an indeterminate positive fiscal impact on the State Veterans' Nursing Homes program through the increase in funds generated by the new and redesigned plates. To the extent that the bill may result in an indeterminate increase in military-related special use license plate registrations, the bill may have an indeterminate negative fiscal impact on the General Revenue Fund.

There is an estimated negative fiscal impact to the DHSMV of \$156,281.58. According to the DHSMV, this expenditure would be absorbed within DHSMV funds and paid from the Purchase of License Plate appropriation category of the Highway Safety Trust Fund.

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



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

###### Background

Florida has the third largest population of veterans in the nation with over 1.5 million, behind only California and Texas.<sup>1</sup> Florida has more than 113,000 veterans from World War II, the largest number in the nation.<sup>2</sup> In addition, approximately 75 percent of Florida's veteran population is wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are approximately 188,500 military retirees who call Florida home.<sup>3</sup>

Florida has a large military population with more than 61,000 military personnel and 12,000 Florida National Guard members.<sup>4</sup> Another 25,000 civilian personnel are directly associated with the military presence in Florida.<sup>5</sup>

Florida's military installations and defense businesses provide a \$73 billion annual economic impact, and account for more than 758,000 jobs in Florida, representing the 3rd largest sector of the state economy after agriculture and tourism.<sup>6</sup> The military spent \$31.3 billion across Florida in Fiscal Year 2011 in goods and services, pensions, and salaries. Retirement, disability benefits and other transfers represent \$12.8 billion of that total.<sup>7</sup>

###### Motor Vehicle License Plates

The DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a ten-year period and are replaced upon renewal at the end of the ten-year period.<sup>8</sup> The license plate fee for both an original issuance and replacement is \$28.00.<sup>9</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement.<sup>10</sup> Section 320.08, F.S., requires the payment of an annual license tax, which varies by motor vehicle type and weight. For a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50, of which \$8 is deposited in the General Revenue Fund.<sup>11</sup>

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the DHSMV offers four basic types of plates to the general public:

- standard plates;

<sup>1</sup> FDVA, Annual Report Fiscal Year 2012-13, Facts and Figures.

<sup>2</sup> Id.

<sup>3</sup> Id; FDVA, Fast Facts, available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) (last viewed February 13, 2014).

<sup>4</sup> Florida Defense Factbook, EFI and Haas Center, January 2013, available at: <http://www.enterpriseflorida.com/the-florida-defense-support-task-force/resources/> (last viewed February 13, 2014).

<sup>5</sup> Id.

<sup>6</sup> Florida's Military Profile, Enterprise Florida, Defense Office, available at: <http://www.enterpriseflorida.com/the-florida-defense-support-task-force/information/> (last viewed February 13, 2014).

<sup>7</sup> Florida Defense Industry Economic Impact Analysis, available at:

<http://www.floridadefense.org/documents/HAAS%20Study%202013/Impact2013FinalSubmission3.26.13.pdf> (last viewed February 13, 2014).

<sup>8</sup> s. 320.06(1)(b), F.S.

<sup>9</sup> s. 320.06(1)(b), F.S.; DHSMV, Fee Schedule, available at: <http://www.flhsmv.gov/DHSMVfees.htm> (last viewed February 13, 2014).

<sup>10</sup> s. 320.06(1)(b), F.S.; DHSMV, License Plate Rate Chart, available at: [www.flhsmv.gov/dmv/forms/BTR/83140.pdf](http://www.flhsmv.gov/dmv/forms/BTR/83140.pdf) (last viewed February 13, 2014).

<sup>11</sup> DHSMV, Fee Schedule, available at: <http://www.flhsmv.gov/DHSMVfees.htm> (last viewed February 13, 2014).

- specialty license plates;
- personalized prestige license plates;
- special use license plates.

### Special Use License Plates

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility<sup>12</sup> pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special use military license plates as well as plates for the handicapped.

Currently, there are 13 special use license plates authorized in s. 320.089, F.S., which can be issued to military servicemembers or veterans for the following types of service:<sup>13</sup>

- active or retired member of the Florida National Guard;
- active or retired member of any branch of the United States Armed Forces Reserve;
- former Prisoner of War;
- survivor of Pearl Harbor;
- recipient of the Purple Heart medal;
- servicemember or veteran of Operation Desert Storm;
- servicemember or veteran of Operation Desert Shield;
- servicemember or veteran of Operation Iraqi Freedom;
- servicemember or veteran of Operation Enduring Freedom;
- recipient of the Combat Infantry Badge;
- recipient of the Combat Action Badge;
- veteran of the Vietnam War;
- veteran of the Korean Conflict.

The first \$100,000 of the General Revenue from the issuance of these special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act.<sup>14</sup> Any additional General Revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.<sup>15</sup> For Fiscal Year 2012-2013 the total revenue from these plates was \$2,112,491.73.<sup>16</sup>

Tax Collectors maintain an adequate inventory on hand for each special use license plate. Upon issuance of a redesigned special use license plate, the on-hand inventory of the existing design would become obsolete and be removed from inventory.<sup>17</sup> Two of the thirteen military related special use license plates in s. 320.089, F.S., currently have images related to the campaign medal or badge: the Purple Heart and the Combat Infantry Badge. Thus, these two special use license plates will not be removed from the current inventory. Based on current figures, the DHSMV identified the following information as it relates to redesigning the 11 special use license plates.<sup>18</sup>

<sup>12</sup> See DHSMV form HSMV 83030 for an example of instructions on the required proof of service and/or receipt of a campaign medal or badge, available at: <http://www.flhsmv.gov/specialtytags/miltags.html#ng> (last viewed February 13, 2014). A veteran of the U.S. Armed Forces would present Department of Defense form DD-214.

<sup>13</sup> s. 320.089, F.S.; Recipients of the special use license plates in s. 320.089, F.S. are required to pay the annual license tax in s. 320.08, F.S., except for survivors of Pearl Harbor, recipients of the Purple Heart medal, and former Prisoners of War.

<sup>14</sup> s. 320.089(1)(b), F.S.

<sup>15</sup> Id.

<sup>16</sup> FDVA, 2014 Agency Bill Analysis: HB 559.

<sup>17</sup> DHSMV, 2014 Agency Bill Analysis: HB 559.

<sup>18</sup> Id.

Plate	Inventory	Cost Per Plate <sup>19</sup>	Total	Valid Registration
Florida National Guard	4,280	\$ 2.82	\$ 12,069.60	5,304
U.S. Armed Forces Reserve	4,310	\$ 2.82	\$ 12,154.20	2,223
EX-POW	3,917	\$ 2.82	\$ 11,045.94	962
Pearl Harbor	3,858	\$ 2.82	\$ 10,879.56	144
Purple Heart	8,840	\$ 0	\$ 0	12,782
Operation Desert Storm	2,533	\$ 2.82	\$ 7,143.06	62
Operation Desert Shield	2,475	\$ 2.82	\$ 6,979.50	1
Operation Iraqi Freedom	3,667	\$ 2.82	\$ 10,340.94	3,176
Operation Enduring Freedom	3,793	\$ 2.82	\$ 10,696.26	1,653
Combat Infantry Badge	2,613	\$ 0	\$ 0	214
Combat Action Badge	2,702	\$ 2.82	\$ 7,619.64	112
Vietnam War	3,164	\$ 2.82	\$ 8,922.48	1,762
Korean Conflict	2,720	\$ 2.82	\$ 7,670.40	119
<b>Total</b>	<b>48,872</b>		<b>\$105,521.40</b>	<b>28,514</b>

### Combat Medical Badge

Army regulations provide for three types of combat badges: the Combat Infantryman Badge, the Combat Action Badge, and the Combat Medical Badge.<sup>20</sup> Currently, the DHSMV offers a Combat Action Badge special use license plate and a Combat Infantry Badge license plate, but not a Combat Medical Badge special use license plate.

The Combat Medical Badge was created by the War Department on March 1, 1945.<sup>21</sup> Its evolution stemmed from a requirement to recognize medical aid-men who shared the same hazards and hardships of ground combat on a daily basis with the infantry soldier.<sup>22</sup> The Combat Medical Badge was designed to provide recognition to the field medic who accompanies the infantryman into battle and shares the experiences unique to the infantry in combat.<sup>23</sup>

### **Effect of Proposed Changes**

The bill renames the Korean Conflict Veteran special use license plate as the Korean War Veteran special use license plate and redesigns that plate and the Vietnam War Veteran special use license plate by requiring that the likeness of the relevant campaign medal or badge be placed on the respective plate. The bill also revises statutory references to "Korean Conflict" and "Vietnam Era" to conform to the changes.

The bill also amends s. 320.089, F.S., to create a special use license plate for recipients of the Combat Medical Badge. Upon payment of the license tax for the vehicle as provided in s. 320.08, F.S., and proof of being a recipient of the Combat Medical Badge, the applicant may receive a special use license plate bearing the words "Combat Medical Badge," and a likeness of the related campaign badge, followed by the license plate serial number.

The bill also amends s. 320.089, F.S., to require that military-related special use license plates be stamped with the likeness of the related campaign medal or badge. Currently, only two of the 11 military-related special use license plates are stamped with the likeness of the related campaign medal

<sup>19</sup> The DHSMV cost to manufacture a special use license plate with a likeness of a campaign medal or badge is \$2.82, while a license plate with only black lettering is \$1.71. The Purple Heart and Combat Infantry Badge special use license plates currently have an image related to the relevant campaign medal or badge, and thus will not result in an additional cost to the DHSMV.

<sup>20</sup> United States Army Regulation 600-8-22, Section II, available at: [http://armypubs.army.mil/epubs/600\\_Series\\_Collection\\_1.html](http://armypubs.army.mil/epubs/600_Series_Collection_1.html) (last viewed February 13, 2014).

<sup>21</sup> U.S. Army Human Resources Command, Combat Medical Badge, available at: <https://www.hrc.army.mil/TAGD/Combat%20Medical%20Badge%20CMB> (last viewed February 13, 2014).

<sup>22</sup> Id.

<sup>23</sup> Id.

or badge. As a result, the bill would require the following military-related special use license plates to be redesigned:

- active or retired member of the Florida National Guard;
- active or retired member of any branch of the United States Armed Forces Reserve;
- former Prisoner of War;
- survivor of Pearl Harbor;
- servicemember or veteran of Operation Desert Storm;
- servicemember or veteran of Operation Desert Shield;
- servicemember or veteran of Operation Iraqi Freedom;
- servicemember or veteran of Operation Enduring Freedom;
- recipient of the Combat Action Badge;
- veteran of the Vietnam War;
- veteran of the Korean Conflict.

### **Effective Date**

The bill is effective July 1, 2014.

### **B. SECTION DIRECTORY:**

- Section 1: Amends s. 1.01(14), F.S., to revise references from the "Korean Conflict" and the "Vietnam Era" to the "Korean War" and the "Vietnam War", respectively.
- Section 2: Amends s. 295.125(2), F.S., to revise a reference from "Vietnam Era" to "Vietnam War".
- Section 3: Amends s. 320.089, F.S., to create a special use plate for recipients of the Combat Medical Badge and redesigns the special use license plate for a military servicemember or veteran identified in s. 320.089, F.S., by creating a likeness of the relevant campaign medal or badge on the license plate.
- Section 4: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The DVA receives the General Revenue generated from the issuance of license plates in s. 320.08, F.S. The first \$100,000 of General Revenue generated annually from these plates is deposited into the Grants and Donations Trust Fund (State Veterans' Nursing Homes) and any additional revenue is deposited into the State Homes for Veterans Trust Fund. For Fiscal Year 2012-2013, the total revenue from these plates was \$2,112,491.73. To the extent that the bill may result in an indeterminate increase in military-related special use license plate registrations, the bill may have an indeterminate negative fiscal impact on the General Revenue Fund.

#### **2. Expenditures:**

According to the DHSMV, the initial startup cost to create and manufacture a Combat Medical Badge license plate would be \$4,230. An initial order of 1,500 license plates would be made (1,500 x \$2.82) and distributed to Tax Collector offices statewide to meet public demand.

Upon passage and implementation of this bill, 11 of the 13 special use license plates listed in s. 320.089, F.S., would be redesigned, which would result in a cost of \$105,521.58 (37,419 x \$2.82). The on-hand inventory would become obsolete and be removed from inventory, but this would not

result in an additional cost to the DHSMV since the special use license plates have already been paid for by the DHSMV through the Purchase of License Plate appropriation category.<sup>24</sup>

Additionally, startup costs to place the redesigned special use license plates (1,500 of each) in inventory statewide would result in a cost of \$46,530 (16,500 x \$2.82).

The total cost to create the Combat Medical Badge license plate, redesign the 11 existing special use license plates and disposal of existing inventory would be \$156,281.58. According to the DHSMV, this expenditure would be absorbed within DHSMV funds and paid from the Purchase of License Plate appropriation category of the Highway Safety Trust Fund.

## B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

### 1. Revenues:

In each jurisdiction, the local tax collector office serves as an agent for various state and local government agencies. When processing motor vehicle registration transactions, the tax collector retains a \$2.50 service fee, and a \$0.50 fee if the transaction is processed at a branch office. The fee is often distributed to the appropriate local governmental entity. To the extent that new Combat Medical Badge special use license plates or redesigned special use license plates in s. 320.089, F.S., result in new registrations, local governments may see an indeterminate increase in revenue.

### 2. Expenditures:

None.

## C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Upon passage and implementation of this bill, a redesigned special use license plate currently listed in s. 320.089, F.S., may be issued to a current Florida motor vehicle registrant, as a "renewal" license plate as opposed to a "new" license plate.<sup>25</sup> Registration fees and taxes vary, based on the weight of the vehicle. On average, it costs approximately \$45-50 in taxes and fees for either the renewal of a special use license plate or the first time issuance of a special use license plate in exchange for a standard license plate.<sup>26</sup>

In addition, there is a one-time \$225 fee for a driver who registers a vehicle in Florida for the first time. This fee does not apply to a registrant who renews his or her registration.<sup>27</sup>

A special use license plate would be available to a new group of registrants who are recipients the Combat Medical Badge.

## D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

<sup>24</sup> In contrast, when specialty license plates are redesigned the on-hand inventory is bought back by the benefitting organization. Per email correspondence with DHSMV staff, February 13, 2014, on file with Veteran & Military Affairs Subcommittee staff.

<sup>25</sup> Per email correspondence with DHSMV staff, February 11, 2014, on file with Veteran & Military Affairs Subcommittee staff.

<sup>26</sup> Per email correspondence with DHSMV staff, February 12, 2014, on file with Veteran & Military Affairs Subcommittee staff.

<sup>27</sup> Id.

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Not Applicable.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The DHSMV recommends the effective date of the bill be amended to January 1, 2015, to allow sufficient time to implement programming to accomplish the provisions of the bill. According to the DHSMV, it takes approximately six months to redesign an existing plate type as new sheeting has to be designed and approved for manufacture and distribution statewide.

There are seven additional military related license plates that may be issued to military servicemembers and veterans for the following types of service:

- disabled veterans per s. 320.084, F.S.;
- disabled veterans who use a wheelchair per s. 320.0842, F.S.;
- members of Paralyzed Veterans of America per s. 320.0846, F.S.;
- active duty members of the Florida National Guard per s. 320.0846, F.S.;
- active or retired United States Paratroopers per s. 320.0891, F.S.;
- recipient of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross per s. 320.0892, F.S.;
- recipient of the Medal of Honor per s 320.0893, F.S.

Further, there is one military related license plate that may be issued to Gold Star family members of military servicemembers who were killed in the line of duty per s. 320.0894, F.S.

Currently, there is not a likeness of the relevant service on these additional plates, other than the Medal of Honor, U.S. Paratrooper, and the Gold Star Family license plates.<sup>28</sup>

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>28</sup> DHSMV Military License Plates, available at: <http://www.flhsmv.gov/specialtytags/miltags.html#ng> (last viewed February 13, 2014).

1                                   A bill to be entitled  
 2           An act relating to military veterans; amending ss.  
 3           1.01 and 295.125, F.S.; revising references from the  
 4           "Korean Conflict" and the "Vietnam Era" to the "Korean  
 5           War" and the "Vietnam War," respectively, and from  
 6           "Korean Conflict Veteran" to "Korean War Veteran";  
 7           reordering and amending s. 320.089, F.S.; authorizing  
 8           the issuance of a Combat Medical Badge license plate;  
 9           revising references; establishing a method of proof of  
 10          eligibility for certain specialty license plates;  
 11          providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15           Section 1. Subsection (14) of section 1.01, Florida  
 16 Statutes, is amended to read:

17           1.01 Definitions.—In construing these statutes and each  
 18 and every word, phrase, or part hereof, where the context will  
 19 permit:

20           (14) The term "veteran" means a person who served in the  
 21 active military, naval, or air service and who was discharged or  
 22 released ~~therefrom~~ under honorable conditions only or who later  
 23 received an upgraded discharge under honorable conditions,  
 24 notwithstanding any action by the United States Department of  
 25 Veterans Affairs on individuals discharged or released with  
 26 other than honorable discharges. To receive benefits as a  
 27 wartime veteran, a veteran must have served in a campaign or  
 28 expedition for which a campaign badge has been authorized or a

29 ~~veteran must have served~~ during one of the following periods of  
 30 wartime service:

31 (a) Spanish-American War: April 21, 1898, to July 4, 1902,  
 32 and including the Philippine Insurrection and the Boxer  
 33 Rebellion.

34 (b) Mexican Border Period: May 9, 1916, to April 5, 1917,  
 35 in the case of a veteran who during such period served in  
 36 Mexico, on the borders of ~~thereof~~, or in the waters adjacent to  
 37 Mexico thereto.

38 (c) World War I: April 6, 1917, to November 11, 1918;  
 39 extended to April 1, 1920, for those veterans who served in  
 40 Russia; also extended through July 1, 1921, for those veterans  
 41 who served after November 11, 1918, and before July 2, 1921,  
 42 provided such veterans had at least 1 day of service between  
 43 April 5, 1917, and November 12, 1918.

44 (d) World War II: December 7, 1941, to December 31, 1946.

45 (e) Korean War ~~Conflict~~: June 27, 1950, to January 31,  
 46 1955.

47 (f) Vietnam War ~~Era~~: February 28, 1961, to May 7, 1975.

48 (g) Persian Gulf War: August 2, 1990, to January 2, 1992.

49 (h) Operation Enduring Freedom: October 7, 2001, and  
 50 ending on the date thereafter prescribed by presidential  
 51 proclamation or by law.

52 (i) Operation Iraqi Freedom: March 19, 2003, and ending on  
 53 the date thereafter prescribed by presidential proclamation or  
 54 by law.

55 Section 2. Subsection (2) of section 295.125, Florida  
 56 Statutes, is amended to read:



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57 295.125 Preference for admission to career training.—

58 (2) In determining order of admission or acceptance for  
 59 students, every career center or career program that ~~which~~  
 60 receives state funding or support shall give preference as  
 61 provided in subsection (3) to a person who served in the Armed  
 62 Forces of the United States at any time during the Vietnam War  
 63 ~~Era~~, as defined in s. 1.01(14), and who has been separated  
 64 therefrom under honorable conditions, if such person's  
 65 enrollment is directly related to his or her present employment  
 66 or to his or her securing employment.

67 Section 3. Section 320.089, Florida Statutes, is reordered  
 68 and amended to read:

69 320.089 Members of National Guard ~~and active United States~~  
 70 ~~Armed Forces reservists; former prisoners of war;~~ survivors of  
 71 Pearl Harbor; Purple Heart medal recipients; active or retired  
 72 United States Armed Forces reservists ~~Operation Desert Storm~~  
 73 ~~Veterans; Operation Desert Shield Veterans; Operation Iraqi~~  
 74 ~~Freedom and Operation Enduring Freedom Veterans;~~ Combat Infantry  
 75 Badge, Combat Medical Badge, or Combat Action Badge recipients;  
 76 former prisoners of war; Korean War Veterans; Vietnam War  
 77 Veterans; Operation Desert Shield Veterans; Operation Desert  
 78 Storm Veterans; Operation Enduring Freedom Veterans; and  
 79 Operation Iraqi Freedom ~~Korean Conflict~~ Veterans; special  
 80 license plates; fee.—

81 (1)(a) Each owner or lessee of an automobile or truck for  
 82 private use or recreational vehicle as specified in s.  
 83 320.08(9)(c) or (d), which is not used for hire or commercial  
 84 use, who is a resident of the state and an active or retired

85 member of the Florida National Guard, a survivor of the attack  
 86 on Pearl Harbor, a recipient of the Purple Heart medal, an  
 87 active or retired member of any branch of the United States  
 88 Armed Forces Reserve, or a recipient of the Combat Infantry  
 89 Badge, Combat Medical Badge, or Combat Action Badge shall, upon  
 90 application to the department, accompanied by proof of active  
 91 membership or retired status in the Florida National Guard,  
 92 proof of membership in the Pearl Harbor Survivors Association or  
 93 proof of active military duty in Pearl Harbor on December 7,  
 94 1941, proof of being a Purple Heart medal recipient, proof of  
 95 active or retired membership in any branch of the Armed Forces  
 96 Reserve, or proof of membership in the Combat Infantrymen's  
 97 Association, Inc., or other proof of being a recipient of the  
 98 Combat Infantry Badge, Combat Medical Badge, or Combat Action  
 99 Badge, and upon payment of the license tax for the vehicle as  
 100 provided in s. 320.08, be issued a license plate as provided by  
 101 s. 320.06, upon which, in lieu of the serial numbers prescribed  
 102 by s. 320.06, shall be stamped the words "National Guard,"  
 103 "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S.  
 104 Reserve," "Combat Infantry Badge," "Combat Medical Badge," or  
 105 "Combat Action Badge," as appropriate, and a likeness of the  
 106 related campaign medal or badge, followed by the serial number  
 107 of the license plate. Additionally, the Purple Heart plate may  
 108 have the words "Purple Heart" stamped on the plate and the  
 109 likeness of the Purple Heart medal appearing on the plate.

110 (b) Notwithstanding any other provision of law to the  
 111 contrary, beginning with fiscal year 2002-2003 and annually  
 112 thereafter, the first \$100,000 in general revenue generated from

113 the sale of license plates issued under this section shall be  
 114 deposited into the Grants and Donations Trust Fund, as described  
 115 in s. 296.38(2), to be used for the purposes established by law  
 116 for that trust fund. Any additional general revenue generated  
 117 from the sale of such plates shall be deposited into the State  
 118 Homes for Veterans Trust Fund and used solely to construct,  
 119 operate, and maintain domiciliary and nursing homes for  
 120 veterans, subject to the requirements of chapter 216.

121 (c) Notwithstanding any provisions of law to the contrary,  
 122 an applicant for a Pearl Harbor Survivor license plate or a  
 123 Purple Heart license plate who also qualifies for a disabled  
 124 veteran's license plate under s. 320.084 shall be issued the  
 125 appropriate special license plate without payment of the license  
 126 tax imposed by s. 320.08.

127 (2) Each owner or lessee of an automobile or truck for  
 128 private use, truck weighing not more than 7,999 pounds, or  
 129 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
 130 which is not used for hire or commercial use, who is a resident  
 131 of the state and who is a former prisoner of war, or their  
 132 unremarried surviving spouse, shall, upon application therefor  
 133 to the department, be issued a license plate as provided in s.  
 134 320.06, on which license plate are stamped the words "Ex-POW"  
 135 followed by the serial number. Each application shall be  
 136 accompanied by proof that the applicant meets the qualifications  
 137 specified in paragraph (a) or paragraph (b).

138 (a) A citizen of the United States who served as a member  
 139 of the Armed Forces of the United States or the armed forces of  
 140 a nation allied with the United States who was held as a

141 | prisoner of war at such time as the Armed Forces of the United  
 142 | States were engaged in combat, or their unremarried surviving  
 143 | spouse, may be issued the special license plate provided for in  
 144 | this subsection without payment of the license tax imposed by s.  
 145 | 320.08.

146 |       (b) A person who was serving as a civilian with the  
 147 | consent of the United States Government, or a person who was a  
 148 | member of the Armed Forces of the United States who was not a  
 149 | United States citizen and was held as a prisoner of war when the  
 150 | Armed Forces of the United States were engaged in combat, or  
 151 | their unremarried surviving spouse, may be issued the special  
 152 | license plate provided for in this subsection upon payment of  
 153 | the license tax imposed by s. 320.08.

154 |       (3) Each owner or lessee of an automobile or truck for  
 155 | private use, truck weighing not more than 7,999 pounds, or  
 156 | recreational vehicle as specified in s. 320.08(9)(c) or (d),  
 157 | which is not used for hire or commercial use, who is a resident  
 158 | of this state and who is the unremarried surviving spouse of a  
 159 | recipient of the Purple Heart medal shall, upon application  
 160 | therefor to the department, with the payment of the required  
 161 | fees, be issued a license plate as provided in s. 320.06, on  
 162 | which license plate are stamped the words "Purple Heart" and the  
 163 | likeness of the Purple Heart medal followed by the serial  
 164 | number. Each application shall be accompanied by proof that the  
 165 | applicant is the unremarried surviving spouse of a recipient of  
 166 | the Purple Heart medal.

167 |       ~~(4)~~~~(6)~~ The owner or lessee of an automobile or truck for  
 168 | private use, a truck weighing not more than 7,999 pounds, or a

169 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
 170 which automobile, truck, or recreational vehicle is not used for  
 171 hire or commercial use, who is a resident of the state and a  
 172 current or former member of the United States Armed Forces  
 173 ~~military~~, and who was deployed and served in Korea during the  
 174 Korean War as defined in s. 1.01(14), ~~United States military~~  
 175 ~~deployment in Korea~~ shall, upon application to the department,  
 176 accompanied by proof of active membership or former active duty  
 177 status during the Korean War ~~these operations~~, and upon payment  
 178 of the license tax for the vehicle as provided in s. 320.08, be  
 179 issued a license plate as provided by s. 320.06 upon which, in  
 180 lieu of the registration license number prescribed by s. 320.06,  
 181 shall be stamped the words "Korean War Veteran," and a likeness  
 182 of the Korean Service Medal, ~~"Korean Conflict Veteran,"~~ followed  
 183 by the registration license number of the plate. Proof that the  
 184 applicant was awarded the Korean Service Medal is sufficient to  
 185 establish eligibility for the license plate.

186 (5) The owner or lessee of an automobile or truck for  
 187 private use, a truck weighing not more than 7,999 pounds, or a  
 188 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
 189 which automobile, truck, or recreational vehicle is not used for  
 190 hire or commercial use, who is a resident of the state and a  
 191 current or former member of the United States military, and who  
 192 was deployed and served in Vietnam during United States military  
 193 deployment in Indochina shall, upon application to the  
 194 department, accompanied by proof of active membership or former  
 195 active duty status during these operations, and, upon payment of  
 196 the license tax for the vehicle as provided in s. 320.08, be

197 issued a license plate as provided by s. 320.06 upon which, in  
 198 lieu of the registration license number prescribed by s. 320.06,  
 199 shall be stamped the words "Vietnam War Veteran," and a likeness  
 200 of the Vietnam Service Medal, followed by the registration  
 201 license number of the plate. Proof that the applicant was  
 202 awarded the Vietnam Service Medal is sufficient to establish  
 203 eligibility for the license plate.

204 (6)(4) The owner or lessee of an automobile or truck for  
 205 private use, a truck weighing not more than 7,999 pounds, or a  
 206 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
 207 which automobile, truck, or recreational vehicle is not used for  
 208 hire or commercial use who is a resident of the state and a  
 209 current or former member of the United States military who was  
 210 deployed and served in Saudi Arabia, Kuwait, or another area of  
 211 the Persian Gulf during Operation Desert Shield or Operation  
 212 Desert Storm ~~or Operation Desert Shield;~~ in Afghanistan during  
 213 Operation Enduring Freedom; or in Iraq during Operation Iraqi  
 214 Freedom; ~~or in Afghanistan during Operation Enduring Freedom~~  
 215 shall, upon application to the department, accompanied by proof  
 216 of active membership or former active duty status during one of  
 217 these operations, and upon payment of the license tax for the  
 218 vehicle as provided in s. 320.08, be issued a license plate as  
 219 provided by s. 320.06 upon which, in lieu of the registration  
 220 license number prescribed by s. 320.06, shall be stamped the  
 221 words "Operation Desert Shield," "Operation Desert Storm,"  
 222 "Operation Enduring Freedom," or "~~Operation Desert Shield,~~"  
 223 "Operation Iraqi Freedom," ~~or "Operation Enduring Freedom,"~~ as  
 224 appropriate, and a likeness of the related campaign medal

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225 followed by the registration license number of the plate. Proof  
 226 that the applicant was awarded the Southwest Asia Service Medal,  
 227 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War  
 228 on Terrorism Expeditionary Medal is sufficient to establish  
 229 eligibility for the appropriate license plate.

230 Section 4. This act shall take effect July 1, 2014.





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 731 POW-MIA Chair of Honor Memorial

**SPONSOR(S):** Hood, Jr.

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 608

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Dugan <i>RD</i>	Kiner <i>KLK</i>
2) Government Operations Appropriations Subcommittee			
3) Economic Affairs Committee			

**SUMMARY ANALYSIS**

The bill establishes the POW-MIA Chair of Honor Memorial to honor the sacrifices endured by members of the United States Armed Forces who were held as prisoners of war or remain missing in action.

The bill requires the Department of Management Services to designate an area of the Capitol Complex for the memorial and to consult with the Florida Department of Veterans' Affairs (DVA) and the Florida chapters of Rolling Thunder, Inc. regarding the design, construction, installation, and continuous management of the memorial.

The bill states that the memorial will not require the appropriation of state funds.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### Veterans in Florida

Florida has the third largest population of veterans in the nation with over 1.5 million, behind only California and Texas.<sup>1</sup> Florida has more than 113,000 veterans from World War II, the largest number in the nation.<sup>2</sup> In addition, approximately 75 percent of Florida's veteran population is wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are approximately 188,500 military retirees who call Florida home.<sup>3</sup>

##### Military Recognition by Florida Legislature

The Florida Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the State of Florida.<sup>4</sup> 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.<sup>5</sup>

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

##### POW-MIA

More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War.<sup>6</sup> As of October, 2013, there are a total of 1,643 unaccounted for military servicemembers in southeast Asia since the end of the Vietnam War, with 57 indicating Florida as their home of record.<sup>7</sup> In addition, 32 military servicemembers from Florida have either been accounted for (including POW returnees and POW escapees) or their remains have been recovered and identified since the end of the war.<sup>8</sup>

In accordance with the Missing Service Personnel Act,<sup>9</sup> the current number of personnel missing from operations in Iraq and other current conflicts is seven: two service members from Operation Desert Storm; and one service member and three Department of Defense contractors from Operation Iraqi Freedom; and one service member from Operation Enduring Freedom.<sup>10</sup>

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<sup>1</sup> FDVA, Annual Report Fiscal Year 2012-13, Facts and Figures.

<sup>2</sup> Id.

<sup>3</sup> Id; FDVA, Fast Facts, available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) ( last viewed February 13, 2014).

<sup>4</sup> s. 265.003, F.S.

<sup>5</sup> s. 265.002, F.S.

<sup>6</sup> Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo/> (last viewed February 13, 2014).

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> 10 U.S. Code Sections 1501-1513, Missing Service Personnel Act (MSPA). The MSPA tasks the DPMO with responsibility for policy, control and oversight of the entire process of investigation and recovery of missing persons (including matters related to search, rescue, escape and evasion) and for coordination between the Department of Defense and other U.S. agencies on all matters concerning missing persons.

<sup>10</sup> DPMO website, available at: <http://www.dtic.mil/dpmo/> (last viewed February 13, 2014).

### Rolling Thunder, Inc.

Incorporated in 1995, Rolling Thunder, Inc. is a class 501(c) (4) non-profit organization with over 94 chartered chapters throughout the United States and members abroad, including eight chapters in Florida.<sup>11</sup>

The major function of Rolling Thunder, Inc. is to publicize the POW-MIA issue: to educate the public that many American Prisoners of War were left behind after all previous wars and to help correct the past and to protect the future veterans from being left behind should they become Prisoners Of War-Missing In Action.<sup>12</sup>

### **Effect of Proposed Changes**

The bill creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial to honor the sacrifices endured by members of the Armed Forces of the United States who were held as prisoners of war or remain missing in action.

The bill requires the Department of Management Services to designate an area of the Capitol Complex for the memorial and to consult with the Department of Veterans' Affairs and the Florida chapters of Rolling Thunder, Inc. regarding the design, construction, installation, and continuous management of the memorial.

### **Effective Date**

The bill is effective upon becoming law.

### **B. SECTION DIRECTORY:**

Section 1: Creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial.

Section 2: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### 1. Revenues:

None.

#### 2. Expenditures:

The bill states that the memorial will not require the appropriation of state funds.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

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<sup>11</sup> Rolling Thunder, Inc. website, available at: <http://www.rollingthunder1.com/index.html> (last viewed February 13, 2014).

<sup>12</sup> Id.

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Not Applicable.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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1                   A bill to be entitled  
 2           An act relating to the POW-MIA Chair of Honor  
 3           Memorial; creating s. 265.0031, F.S.; providing  
 4           legislative intent; defining the term "Capitol  
 5           Complex"; establishing the POW-MIA Chair of Honor  
 6           Memorial; authorizing the Florida chapters of Rolling  
 7           Thunder, Inc., to administer the memorial; requiring  
 8           the Department of Management Services to designate an  
 9           area of the Capitol Complex for the memorial;  
 10          requiring the department to consult with the  
 11          Department of Veterans' Affairs and the Florida  
 12          chapters of Rolling Thunder, Inc., regarding specific  
 13          aspects of the memorial; providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1. Section 265.0031, Florida Statutes, is created  
 18 to read:

19           265.0031 POW-MIA Chair of Honor Memorial.-

20           (1) It is the intent of the Legislature to recognize and  
 21 honor the sacrifices endured by members of the Armed Forces of  
 22 the United States who were held as prisoners of war or remain as  
 23 missing in action.

24           (2) For purposes of this section, the term "Capitol  
 25 Complex" has the same meaning as in s. 281.01.

26           (3) There is established the POW-MIA Chair of Honor

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27 | Memorial.

28 |       (a) The POW-MIA Chair of Honor is administered by the  
29 | Florida chapters of Rolling Thunder, Inc., without appropriation  
30 | of state funds.

31 |       (b) The Department of Management Services shall designate  
32 | an area for the memorial in the Capitol Complex and shall  
33 | consult with the Department of Veterans' Affairs and the Florida  
34 | chapters of Rolling Thunder, Inc., regarding the design,  
35 | construction, installation, and continuous management of the  
36 | memorial.

37 |       Section 2. This act shall take effect upon becoming a law.



