



Veteran & Military Affairs Subcommittee

Meeting Packet

**Thursday, March 12, 2015
9:00 am – 11:00 am
12 HOB**

**Steve Crisafulli
Speaker**

**Jimmie T. Smith
Chair**



The Florida House of Representatives

Veteran & Military Affairs Subcommittee

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Meeting Agenda
Thursday, March 12, 2015
Room 12, House Office Building
09:00 a.m. – 11:00 a.m.

- I. Call to Order**
- II. Roll Call**
- III. Welcome and Opening Remarks**
- IV. Consideration of the Following Bill(s):**
 - CS/HB 27 Driver Licenses and Identification Cards by Highway & Waterway Safety Subcommittee, Gaetz**
 - CS/HB 35 Out-of-State Fee Waivers for Veterans and Dependents by Higher Education & Workforce Subcommittee, Stark**
 - HB 801 The Beirut Memorial by Taylor**
 - HB 1091 Military Affairs by Steube**
 - HB 1095 Discounts on Public Park Entrance Fees and Transportation Fares by Rooney**
- V. Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 27 Issuance of Driver Licenses & Identification Cards
SPONSOR(S): Gaetz and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 240

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 0 N, As CS	Whittaker	Smith
2) Veteran & Military Affairs Subcommittee		Thompson <i>JAT</i>	Kiner <i>KLK</i>
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license or identification card.

The bill further authorizes DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the driver license or identification card of a veteran who qualifies and chooses to have such designation. The replacement of the "V" with the word "Veteran" will apply upon implementation of new designs for the driver license and identification card by DHSMV.

The bill has no fiscal impact on state or local government funds.

The bill will take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The REAL ID Act of 2005

The Federal REAL ID Act became effective nationwide on May 11, 2008. The REAL ID Act established minimum standards for the production and issuance of state-issued driver's licenses and identification cards. It also prohibits Federal agencies from accepting for official uses driver's licenses and identification cards from states unless the Department of Homeland Security determines that the state meets the standards. Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft.

The Department of Homeland Security (DHS) announced on December 20, 2013 a phased enforcement plan for the REAL ID Act, as passed by Congress that will implement the Act in a measured, fair and responsible way. Below is the phased enforcement schedule.¹

Phase	Area	Full Enforcement Date
1	Restricted areas for DHS's Nebraska Avenue Complex headquarters	April 21, 2014
2	Restricted areas for all Federal facilities and nuclear power plants	July 21, 2014
3	Semi-restricted areas for most Federal facilities	January 19, 2015
3a	Facility Security Levels 1 and 2 ²	January 19, 2015
3b	Facility Security Levels 3, 4, and 5 ³	October 10, 2015
4	Boarding federally regulated commercial aircraft	No sooner than 2016

Florida began issuing REAL ID compliant credentials in January of 2010. The new credentials have a gold star in the upper right corner of the card.⁴

According to DHSMV, as of January 13, 2015, 11.5 million individuals have met the new identity standards for a Florida driver license or identification card. Florida is approaching a 70 percent compliance rate and estimates are that by mid to late 2017, numbers will be near 100 percent.⁵

Proof of Social Security Number

Current law requires an applicant for a driver license⁶ or identification card⁷ present proof of social security number satisfactory to DHSMV.

¹ U.S. Department of Homeland Security, *REAL ID Enforcement in Brief*, <http://www.dhs.gov/real-id-enforcement-brief> (last viewed February 26, 2015).

² The Department of Homeland Security Federal Interagency Security Committee develops security standards and best practices for nonmilitary Federal facilities in the United States. The department's Facility Security Level Determination for Federal Facilities ranges from a Level I (lowest risk) to Level V (highest risk). This information is available at: http://www.dhs.gov/sites/default/files/publications/ISC_Risk-Management-Process_Aug_2013.pdf (last visited March 9, 2015).

³ Id.

⁴ Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited February 26, 2015).

⁵ Email from Highway Safety and Motor Vehicles dated January 27, 2015 on file with the Highway and Waterway Safety Subcommittee.

⁶ s. 322.08(2)(a), F.S.

⁷ s. 322.051(1)(a)1., F.S.

Veteran "V" Designation

Current law requires a blue "V" veteran designation on the bottom portion of a driver license⁸ or identification card⁹ at the request of a veteran who presents proof of military service and pays an additional \$1 fee to DHSMV.

Effect of Proposed Changes

The bill amends s. 322.051, F.S. and s. 322.08, F.S., to provide for DHSMV to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license or identification card.

The bill further amends s. 322.14, F.S. and s. 322.051, F.S., to permit DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the driver license or identification card of a veteran who qualifies and chooses to have such designation. The replacement of the "V" with the word "Veteran" will apply upon implementation of new designs for the driver license and identification card by DHSMV.

The bill will take effect July 1, 2015.

B. SECTION DIRECTORY:

- Section 1 Amends s. 322.051, F.S., providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of a social security card number during the application process to acquire an identification card. Permits DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the identification card of a veteran who qualifies and chooses to have such designation.
- Section 2 Amends s. 322.08, F.S., providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license.
- Section 3 Amends s. 322.14, F.S., permits DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the driver license of a veteran who qualifies and chooses to have such designation.
- Section 4 Providing applicability.
- Section 5 Provides the bill will take effect July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

⁸ s. 322.14(1)(c), F.S.

⁹ s. 322.051(8)(b), F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There is no fiscal impact to state funds.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 27 and reported the bill favorably as a committee substitute. The amendment:

- Provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of a social security card number during the application process to acquire a driver license or identification card.
- Authorizes DHSMV to replace the veteran designation "V" with the word "Veteran" exhibited on the driver license or identification card of a veteran who qualifies and chooses to have such designation. The replacement of the "V" with the word "Veteran" will apply upon implementation of new designs for the driver license and identification card by DHSMV.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to driver licenses and identification
 3 cards; amending ss. 322.051, 322.08, and 322.14, F.S.;
 4 providing for the Department of Highway Safety and
 5 Motor Vehicles to accept a military identification
 6 card to meet certain requirements for the issuance of
 7 a driver license or identification card; authorizing
 8 the word "Veteran" to be exhibited on the driver
 9 license or identification card of a veteran; providing
 10 applicability; providing an effective date.

11

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

13

14 Section 1. Paragraph (a) of subsection (1) and paragraph
 15 (b) of subsection (8) of section 322.051, Florida Statutes, are
 16 amended to read:

17 322.051 Identification cards.—

18 (1) Any person who is 5 years of age or older, or any
 19 person who has a disability, regardless of age, who applies for
 20 a disabled parking permit under s. 320.0848, may be issued an
 21 identification card by the department upon completion of an
 22 application and payment of an application fee.

23 (a) The application must include the following information
 24 regarding the applicant:

25 1. Full name (first, middle or maiden, and last), gender,
 26 proof of social security card number satisfactory to the

27 department, which may include a military identification card,
 28 county of residence, mailing address, proof of residential
 29 address satisfactory to the department, country of birth, and a
 30 brief description.

31 2. Proof of birth date satisfactory to the department.

32 3. Proof of identity satisfactory to the department. Such
 33 proof must include one of the following documents issued to the
 34 applicant:

35 a. A driver license record or identification card record
 36 from another jurisdiction that required the applicant to submit
 37 a document for identification which is substantially similar to
 38 a document required under sub-subparagraph b., sub-subparagraph
 39 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 40 f., sub-subparagraph g., or sub-subparagraph h.;

41 b. A certified copy of a United States birth certificate;

42 c. A valid, unexpired United States passport;

43 d. A naturalization certificate issued by the United
 44 States Department of Homeland Security;

45 e. A valid, unexpired alien registration receipt card
 46 (green card);

47 f. A Consular Report of Birth Abroad provided by the
 48 United States Department of State;

49 g. An unexpired employment authorization card issued by
 50 the United States Department of Homeland Security; or

51 h. Proof of nonimmigrant classification provided by the
 52 United States Department of Homeland Security, for an original

53 identification card. In order to prove nonimmigrant
 54 classification, an applicant must provide at least one of the
 55 following documents. In addition, the department may require
 56 applicants to produce United States Department of Homeland
 57 Security documents for the sole purpose of establishing the
 58 maintenance of, or efforts to maintain, continuous lawful
 59 presence:

60 (I) A notice of hearing from an immigration court
 61 scheduling a hearing on any proceeding.

62 (II) A notice from the Board of Immigration Appeals
 63 acknowledging pendency of an appeal.

64 (III) A notice of the approval of an application for
 65 adjustment of status issued by the United States ~~Bureau of~~
 66 Citizenship and Immigration Services.

67 (IV) An official documentation confirming the filing of a
 68 petition for asylum or refugee status or any other relief issued
 69 by the United States ~~Bureau of~~ Citizenship and Immigration
 70 Services.

71 (V) A notice of action transferring any pending matter
 72 from another jurisdiction to Florida, issued by the United
 73 States ~~Bureau of~~ Citizenship and Immigration Services.

74 (VI) An order of an immigration judge or immigration
 75 officer granting relief that authorizes the alien to live and
 76 work in the United States, including, but not limited to,
 77 asylum.

78 (VII) Evidence that an application is pending for

79 adjustment of status to that of an alien lawfully admitted for
 80 permanent residence in the United States or conditional
 81 permanent resident status in the United States, if a visa number
 82 is available having a current priority date for processing by
 83 the United States ~~Bureau of~~ Citizenship and Immigration
 84 Services.

85 (VIII) On or after January 1, 2010, an unexpired foreign
 86 passport with an unexpired United States Visa affixed,
 87 accompanied by an approved I-94, documenting the most recent
 88 admittance into the United States.

89
 90 An identification card issued based on documents required in
 91 sub-subparagraph g. or sub-subparagraph h. is valid for a period
 92 not to exceed the expiration date of the document presented or 1
 93 year, whichever occurs first.

94 (8)

95 (b) The word "Veteran" ~~A capital "V"~~ shall be exhibited on
 96 the identification card of a veteran upon the payment of an
 97 additional \$1 fee for the identification card ~~license~~ and the
 98 presentation of a copy of the person's DD Form 214, issued by
 99 the United States Department of Defense, or another acceptable
 100 form specified by the Department of Veterans' Affairs. Until a
 101 veteran's identification card is next renewed, the veteran may
 102 have the word "Veteran" ~~capital "V" designation~~ added to his or
 103 her identification card upon surrender of his or her current
 104 identification card, payment of a \$2 fee to be deposited into

105 | the Highway Safety Operating Trust Fund, and presentation of a
 106 | copy of his or her DD Form 214 or another acceptable form
 107 | specified by the Department of Veterans' Affairs. If the
 108 | applicant is not conducting any other transaction affecting the
 109 | identification card, a replacement identification card may be
 110 | issued with the word "Veteran" ~~capital "V" designation~~ without
 111 | payment of the fee required in s. 322.21(1)(f)3.

112 | Section 2. Paragraphs (a) and (c) of subsection (2) of
 113 | section 322.08, Florida Statutes, are amended to read:

114 | 322.08 Application for license; requirements for license
 115 | and identification card forms.—

116 | (2) Each such application shall include the following
 117 | information regarding the applicant:

118 | (a) Full name (first, middle or maiden, and last), gender,
 119 | proof of social security card number satisfactory to the
 120 | department, which may include a military identification card,
 121 | county of residence, mailing address, proof of residential
 122 | address satisfactory to the department, country of birth, and a
 123 | brief description.

124 | (c) Proof of identity satisfactory to the department. Such
 125 | proof must include one of the following documents issued to the
 126 | applicant:

127 | 1. A driver license record or identification card record
 128 | from another jurisdiction that required the applicant to submit
 129 | a document for identification which is substantially similar to
 130 | a document required under subparagraph 2., subparagraph 3.,

131 | subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 132 | 7., or subparagraph 8.;

133 | 2. A certified copy of a United States birth certificate;

134 | 3. A valid, unexpired United States passport;

135 | 4. A naturalization certificate issued by the United
 136 | States Department of Homeland Security;

137 | 5. A valid, unexpired alien registration receipt card
 138 | (green card);

139 | 6. A Consular Report of Birth Abroad provided by the
 140 | United States Department of State;

141 | 7. An unexpired employment authorization card issued by
 142 | the United States Department of Homeland Security; or

143 | 8. Proof of nonimmigrant classification provided by the
 144 | United States Department of Homeland Security, for an original
 145 | driver license. In order to prove nonimmigrant classification,
 146 | an applicant must provide at least one of the following
 147 | documents. In addition, the department may require applicants to
 148 | produce United States Department of Homeland Security documents
 149 | for the sole purpose of establishing the maintenance of, or
 150 | efforts to maintain, continuous lawful presence:

151 | a. A notice of hearing from an immigration court
 152 | scheduling a hearing on any proceeding.

153 | b. A notice from the Board of Immigration Appeals
 154 | acknowledging pendency of an appeal.

155 | c. A notice of the approval of an application for
 156 | adjustment of status issued by the United States ~~Bureau of~~

157 Citizenship and Immigration Services.

158 d. An official documentation confirming the filing of a
 159 petition for asylum or refugee status or any other relief issued
 160 by the United States ~~Bureau of~~ Citizenship and Immigration
 161 Services.

162 e. A notice of action transferring any pending matter from
 163 another jurisdiction to this state issued by the United States
 164 ~~Bureau of~~ Citizenship and Immigration Services.

165 f. An order of an immigration judge or immigration officer
 166 granting relief that authorizes the alien to live and work in
 167 the United States, including, but not limited to, asylum.

168 g. Evidence that an application is pending for adjustment
 169 of status to that of an alien lawfully admitted for permanent
 170 residence in the United States or conditional permanent resident
 171 status in the United States, if a visa number is available
 172 having a current priority date for processing by the United
 173 States ~~Bureau of~~ Citizenship and Immigration Services.

174 h. On or after January 1, 2010, an unexpired foreign
 175 passport with an unexpired United States Visa affixed,
 176 accompanied by an approved I-94, documenting the most recent
 177 admittance into the United States.

178
 179 A driver license or temporary permit issued based on documents
 180 required in subparagraph 7. or subparagraph 8. is valid for a
 181 period not to exceed the expiration date of the document
 182 presented or 1 year.

183 Section 3. Paragraph (c) of subsection (1) of section
 184 322.14, Florida Statutes, is amended to read:

185 322.14 Licenses issued to drivers.—

186 (1)

187 (c) The word "Veteran" ~~A capital "V"~~ shall be exhibited on
 188 the driver license of a veteran upon the payment of an
 189 additional \$1 fee for the license and the presentation of a copy
 190 of the person's DD Form 214, issued by the United States
 191 Department of Defense, or another acceptable form specified by
 192 the Department of Veterans' Affairs. Until a veteran's license
 193 is next renewed, the veteran may have the word "Veteran" ~~capital~~
 194 ~~"V" designation~~ added to his or her license upon surrender of
 195 his or her current license, payment of a \$2 fee to be deposited
 196 into the Highway Safety Operating Trust Fund, and presentation
 197 of a copy of his or her DD Form 214 or another acceptable form
 198 specified by the Department of Veterans' Affairs. If the
 199 applicant is not conducting any other transaction affecting the
 200 driver license, a replacement license may be issued with the
 201 word "Veteran" ~~capital "V" designation~~ without payment of the
 202 fee required in s. 322.21(1)(e).

203 Section 4. The amendments made by this act to ss. 322.051
 204 and 322.14, Florida Statutes, shall apply upon implementation of
 205 new designs for the driver license and identification card by
 206 the Department of Highway Safety and Motor Vehicles.

207 Section 5. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 35 Out-of-State Fee Waivers for Veterans and Dependents
SPONSOR(S): Higher Education & Workforce Subcommittee, Stark and others
TIED BILLS: IDEN./SIM. BILLS: SB 7028

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	7 Y, 0 N, As CS	Banner	Sherry
2) Veteran & Military Affairs Subcommittee		Thompson <i>JAT</i>	Kiner <i>KLK</i>
3) Education Appropriations Subcommittee			
4) Education Committee			

SUMMARY ANALYSIS

The Congressman C.W. Bill Young Veteran Tuition Waiver Program (Florida G.I. Bill) provides for out-of-state fee waivers for honorably discharged veterans of the U.S Armed Forces, U.S. Reserve Forces or the National Guard that attend a state university, state college, career center, or charter technical career center.

The Veterans Access, Choice and Accountability Act of 2014 (VA Reform Bill) signed into law in August 2014, requires public postsecondary institutions to provide in-state tuition rates to veterans and eligible dependents as a condition of continuing to receive G.I. Bill educational benefits. The legislation applies to all individuals qualifying under Post-9/11 G.I. Bill or the Montgomery G.I. Bill-Active Duty.

This bill expands the Congressman C.W. Bill Young Veteran Tuition Waiver Program to include members of the commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA), thereby providing out-of-state fee waivers to all veterans of the U.S. Uniformed Services.

The bill also implements the VA Reform Bill by providing out-of-state fee waivers to individuals residing in the state and receiving U.S. Department of Veterans Affairs education benefits under chapters 30, 33 or 35. These chapters include the G.I. Bill, and the Survivors' and Dependents', Reserve, and Veterans Educational Assistance Programs.

The bill allows specified veterans and their family members to pay lower, in-state tuition rates at state universities, Florida College System institutions, career centers, and charter technical career centers, which will result in a significant savings to these students. The institutions will likely experience a corresponding negative fiscal impact. However, the impact is indeterminate, because it is unknown how many, if any, of these individuals would enroll without an out-of-state fee waiver.

This bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

More than 1.5 million veterans live in Florida, including more than 211,000 veterans of the Afghanistan and Iraq wars, and roughly 490,000 Vietnam-era veterans.¹ Additionally, there are approximately 190,000 military retirees who call Florida home.²

Florida has a large military population with more than 61,000 active duty military personnel.³ Another 25,000 civilian personnel are directly associated with the military presence in Florida.⁴

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

Tuition and Out-of-State Fees and Waivers/Exemptions

Florida law defines "tuition" as "the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state".⁶ Students who are not classified as "residents for tuition purposes"⁷ are required to pay the full cost of instruction at a public postsecondary institution. This additional charge is known as the "out-of-state fee".⁸ Institutions are authorized to provide exemptions and/or waivers⁹ of the out-of-state fee to students who meet specified criteria.

Chapter 2014-1, L.O.F., also known as the Florida G.I. Bill, creates an out-of-state tuition fee waiver for honorably discharged veterans who reside in the state while enrolled at a state college, state university, career center operated by a school district under s. 1001.44, F.S., or a charter technical center.¹⁰ Prior to the bill's passage, non-resident students, including non-resident student veterans, were required to be classified as residents for tuition purposes in order to pay in-state tuition rates.¹¹ Without a specifically authorized fee exemption or waiver, non-resident students had to pay out-of-state fees in addition to basic tuition rates.

Specifically, the Florida G.I. Bill creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Program"¹², directing the state universities, Florida College System institutions, career centers, and technical centers to waive out-of-state fees for honorably discharged veterans of the U.S. Armed Forces, U.S Reserve Forces, or the National Guard. In addition to being an honorably discharged veteran, the law requires the veteran student to physically reside in the state in order to receive the fee waiver.

¹ DVA, Annual Report Fiscal Year 2012-2013, Facts and Figures.

² Id.

³ 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 10, 2015).

⁴ Id.

⁵ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (last viewed February 10, 2015).

⁶ Section 1009.01(1), F.S.

⁷ Section 1009.21(1)(g), F.S.

⁸ Section 1009.01(2), F.S.

⁹ Sections 1009.25 and 1009.26, F.S.

¹⁰ Ch. 2014-1, Laws of Fla.

¹¹ Section 1009.21, F.S.

¹² Section 1009.26(13), F.S.

U.S. Department of Veterans Affairs (USDVA) Education Benefit Programs

The USDVA offers several financial assistance programs for veterans and dependents pursuing postsecondary education.

Post-9/11 GI Bill

The Post-9/11 GI Bill¹³ is the newest education benefit program and is offered to individuals with at least 90 days of aggregate active duty service on or after September 11, 2001, or individuals discharged with a service-connected disability after 30 continuous days of active duty service. This program provides the cost of tuition and fees, up to that of the most expensive public in-state undergraduate rate for up to 36 months. Benefits generally expire 15 years after the date of the last discharge or release from active duty service. Funds are paid directly to the institution on the student's behalf and are prorated according to the student's benefit level. The benefit amounts under this program are as follows:

Post-9/11 GI Bill Service Requirements ¹⁴ (aggregate active duty service after Sept. 10, 2001)	Percentage of Maximum Benefit Payable
At least 36 months	100
At least 30 continuous days on active duty (must be discharged due to service-connected disability)	100
At least 30 months, but less than 36 months	90
At least 24 months, but less than 30 months	80
At least 18 months, but less than 24 months	70
At least 12 months, but less than 18 months	60
At least 6 months, but less than 12 months	50
At least 90 days, but less than 6 months	40

Under the Post-9/11 GI Bill, servicemembers may transfer any or all unused benefits to a spouse or child provided the servicemember is still in the military, has at least six years of service and commits to an additional four years of service. Spouses may begin to use benefits immediately and have up to 15 years from the last separation date. Children may begin to use benefits after the servicemember completes 10 years of military service and are eligible to use benefits until age 26.¹⁵

The Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship)¹⁶ entitles surviving spouses¹⁷ and children of servicemembers who died in the line of duty after September 10, 2001 to 36 months of the full, 100% level, of the Post-9/11 GI Bill Benefits, including tuition and fees, a monthly housing allowance, and a book stipend. Spouses may use this benefit until such time as they remarry and children are eligible until age 33.

Montgomery GI Bill

The Montgomery GI Bill – Active Duty (MGIB-AD)¹⁸ is available to veterans who began active duty service for the first time after June 30, 1985, had their pay reduced \$100 a month for 12 months, and received an honorable discharge. These benefits are paid directly to the veteran with monthly benefit amounts varying based on length of service and type of educational training being pursued. The current monthly benefit for a veteran who completed an enlistment of 3 years or more and is pursuing a

¹³ 38 U.S.C. §§3301-3325.

¹⁴ USDVA Pamphlet 22-09-01 RE: Post 9/11 GI Bill. May 2012. Available at: http://www.benefits.va.gov/gibill/docs/pamphlets/ch33_pamphlet.pdf (last viewed March 6, 2015).

¹⁵ 38 U.S.C. § 3319.

¹⁶ 38 U.S.C. § 3311(b)(9).

¹⁷ Public Law 113-146, Title VII, Section 701, The Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, H.R. 3230, 113th Cong. (Aug. 7, 2014), expanded eligibility for the Fry Scholarship to surviving spouses effective January 1, 2015.

¹⁸ 38 U.S.C. §§3001-3035.

full time college degree or certificate is \$1,717.¹⁹ The MGIB-AD provides up to 36 months of benefits and must be used within 10 years of the last discharge date.

The Montgomery GI Bill – Selected Reserve (MGIB-SR)²⁰ is available to members actively participating in the Selected Reserve.²¹ To be eligible, reservists must be actively drilling and agree to a 6-year commitment to the reserves. Benefits are paid directly to the reservist and may be used for up to 36 months. The current monthly benefit for a reservist enrolled in a full time degree or certificate program is \$367.²²

Survivors' and Dependents' Educational Assistance

The Survivors' and Dependents' Educational Assistance program (DEA)²³ is the benefit program offered to spouses and children of a veteran who has a service-connected permanent and total disability, died as a result of service, or is listed as Missing in Action or Prisoner of War.²⁴ Spouses are eligible for 10 years from the date USDVA determines eligibility (up to 20 years in certain circumstances) and children are eligible until age 26, both for a maximum of 45 months. The current monthly rate payable to the recipient enrolled in a full time degree or certificate program is \$1,018.²⁵

Reserve Educational Assistance Program

The Reserve Educational Assistance Program (REAP)²⁶ provides educational assistance to members and reservists of the National Guard who have been 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 for a minimum of 90 consecutive days.²⁷ Program beneficiaries are eligible for up to 36 months of benefits at a proportionate rate of the MGIB-AD 3-year enlistment rate. The current monthly rate for a member or reservist with at least 90 consecutive days of service, but less than one year is \$686.60.²⁸

Veterans Educational Assistance Program

The Veterans Educational Assistance Program (VEAP)²⁹ provides educational benefits for veterans entering service for the first time between December 31, 1976 and July 1, 1985. Enrollment for this program closed June 30, 1985, however a small number of veterans are still using benefits at higher education institutions in Florida.

The chart below shows the number of Florida beneficiaries for each USDVA education program for fiscal years 2011-2013.³⁰

¹⁹ USDVA Website. MGIB-AD Rates Effective October 1, 2014. Available at: http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch30/ch30rates100114.asp (last viewed March 6, 2015).

²⁰ 10 U.S.C. §§16131-16136.

²¹ Selected Reserve components include the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, Coast Guard Reserve, Army National Guard, and Air Force National Guard.

²² USDVA Website. MGIB-SR Rates. Effective October 1, 2014. Available at: http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch1606/ch1606rates100114.asp (last viewed March 6, 2015).

²³ 38 U.S.C. §§3500-3566.

²⁴ 38 U.S.C. §3501(a)(1).

²⁵ USDVA Website. REAP Rates Effective October 1, 2014. Available at:

http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch35/ch35rates100114.asp (last viewed March 6, 2015).

²⁶ 10 U.S.C. §§16161-16166.

²⁷ 10 U.S.C. §16163(a).

²⁸ USDVA Website. REAP Rates Effective October 1, 2014. Available at:

http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rates/ch1607/ch1607rates100114.asp (last viewed March 6, 2015).

²⁹ 38 U.S.C. §§3201-3243.

³⁰ National Center for Veterans Analysis and Statistics. Utilization Report on Department of Veterans Affairs Education Program Beneficiaries by Geography: FY 2000 to FY 2013. Available at: <http://www.va.gov/vetdata/Utilization.asp> (last viewed March 6, 2015).

Fiscal Year	Total Beneficiaries	USDVA Educational Assistance Program					
		Post-9/11	MGIB-AD	MGIB-SR	DEA	VEAP	REAP
2011	68,133	42,607	14,628	3,020	6,810	7	1,081
2012	62,911	42,607	9,454	2,613	6,513	5	818
2013	87,140	63,947	6,530	2,575	6,770	2	615

The Veterans Access, Choice and Accountability Act of 2014

The Veterans Access, Choice and Accountability Act of 2014 (VA Reform Bill) was signed into law in August 2014.³¹ The VA Reform Bill requires public institutions of higher learning to provide in-state tuition rates to veterans and eligible dependents in order for the institution to remain eligible to receive G.I. Bill education payments. Specifically, the bill requires the USDVA Secretary to disapprove a course of education at a public institution of higher learning if that institution does not offer a covered individual tuition at the in-state rate. Any veteran who has served at least 90 days of active service must be allowed to pay resident tuition rates, in any state, within three years of leaving the military. The law also covers spouses and dependent children of veterans meeting certain criteria. Effective July 1, 2015, the federal law will apply to any public college or university in order for the institution to remain eligible to receive the education payments from the Montgomery G.I. Bill or Post-9/11 G.I. Bill programs.

The requirements of this legislation apply only to students qualifying under the Post-9/11 GI Bill or the Montgomery GI Bill-AD. Institutions are not required to change policies for individuals using any other USDVA educational benefits. Beneficiaries qualifying under this act include (1) veterans who enroll in an institution within the state s/he resides within 3 years of discharge from a period of active duty service of 90 days or more, (2) spouses/children using transferred benefits to attend an institution within the state s/he resides within 3 years of the transferor's discharge from a period of active duty service of 90 days or more, or (3) spouses/children using benefits under the Fry Scholarship who enroll in an institution of higher education within the state s/he resides within 3 years of the servicemember's death in the line of duty following a period of active duty service of 90 days or more. Provided a student remains continuously enrolled and continues to use either Post-9/11 GI Bill or Montgomery GI Bill-AD benefits, the beneficiary will remain eligible to continue receiving the in-state tuition rate beyond the 3 year date of discharge.

Effect of Proposed Changes

Currently, the Congressman C.W. Bill Young Veteran Tuition Waiver Program authorizes out-of-state fee waivers for honorably discharged veterans of the U.S. Armed Forces, U.S. Reserve Forces, and the National Guard. The bill expands the waivers to include veterans of the U.S. Uniformed Services, effectively adding veterans of the commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA).³² This fee waiver will be granted regardless of whether the person is using G.I. Bill education benefits.

The bill also creates an additional out-of-state fee waiver for those individuals residing in the state and receiving USDVA education benefits under Chapters 30, 33 or 35. These chapters include beneficiaries under the Post-9/11 G.I. Bill, Montgomery G.I. Bill, Survivor's and Dependents' Educational Assistance Program, Reserve Educational Assistance Program, and the Veterans Educational Assistance Program. Individuals using benefits transferred from an eligible servicemember are also eligible for the out-of-state fee waiver.

³¹ The Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, Pub.L. 113-146, H.R. 3230, 113th Cong. (Aug. 7, 2014).

³² 10 U.S.C. § 101 (2013), defines the term "uniformed services" as the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

B. SECTION DIRECTORY:

Section 1: Amends s. 1009.26, F.S., to direct state universities, Florida College System institutions, and Florida career centers to waive certain fees for veterans.

Section 2: Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Board of Governors, based on Fall 2013 enrollment data of veteran dependents using G.I. Bill benefits and enrolling in 30 credit hours per year, estimates an annual unrealized tuition amount for the State University System of \$2,695,543.³³ A fiscal estimate from the Florida College System is unknown at this time.

It will likely be difficult for institutions to identify the number of students who will meet the criteria outlined in the bill and opt to take advantage of the expanded benefits; therefore, the full potential fiscal impact is indeterminate at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill would allow specified veterans and individuals using G.I. Bill educational benefits, who would otherwise be unable to establish Florida residency for tuition purposes, to pay lower, in-state tuition rates at state universities, Florida College System institutions, career centers, and charter technical career centers. This would potentially save students a per credit hour average of \$490 at state universities, \$240 at Florida Colleges, and \$7 at career centers.

D. FISCAL COMMENTS:

Although the institutions will likely experience a corresponding negative fiscal impact, the impact is indeterminate as it is unknown how many of the veterans and their family members who will be made eligible for the in-state tuition rate, by the bill, would enroll if not eligible for the in-state tuition rate.

³³ E-mail correspondence with Board of Governors of the State University System of Florida staff. February 23, 2015. On file with Higher Education and Workforce Subcommittee.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

RULE-MAKING AUTHORITY:

The State Board of Education and Board of Governors may need to amend any rules or regulations inconsistent with the provisions of the bill.

B. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS / COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to out-of-state fee waivers for
 3 veterans and dependents; amending s. 1009.26, F.S.;
 4 revising the Congressman C. W. "Bill" Young Veteran
 5 Tuition Waiver Program to include out-of-state fee
 6 waivers for certain individuals receiving specified
 7 federal educational benefits; requiring adoption of
 8 rules and regulations; revising a short title;
 9 providing an effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Subsection (13) of section 1009.26, Florida
 14 Statutes, is amended to read:

15 1009.26 Fee waivers.—

16 (13) (a) There is established the Congressman C. W. "Bill"
 17 Young Veteran Tuition Waiver Program. A state university,
 18 Florida College System institution, career center operated by a
 19 school district under s. 1001.44, or charter technical career
 20 center shall waive out-of-state fees for the following
 21 individuals:

22 1. An individual who has been an honorably discharged from
 23 ~~veteran~~ of the United States Uniformed Services Armed Forces,
 24 the United States Reserve Forces, or the National Guard, and who
 25 physically resides in this state while enrolled in the
 26 institution, regardless of whether the individual is receiving

27 federal G.I. Bill educational benefits.

28 2. Beginning July 1, 2015, an individual receiving
 29 educational benefits under 38 U.S.C. chapter 30, chapter 33, or
 30 chapter 35, who physically resides in this state while enrolled
 31 in the institution.

32 (b) Tuition and fees charged to an individual ~~a veteran~~
 33 who qualifies for the out-of-state fee waiver under this
 34 subsection may not exceed the tuition and fees charged to a
 35 resident student.

36 ~~(c) The waiver is applicable for 110 percent of the~~
 37 ~~required credit hours of the degree or certificate program for~~
 38 ~~which the student is enrolled.~~ Each state university, Florida
 39 College System institution, career center operated by a school
 40 district under s. 1001.44, and charter technical career center
 41 shall report to the Board of Governors and the State Board of
 42 Education, respectively, the number and value of all fee waivers
 43 granted annually under this subsection.

44 (d) The Board of Governors shall adopt regulations and the
 45 State Board of Education shall adopt rules to administer this
 46 subsection.

47 ~~(e)(b)~~ This subsection may be cited as the "Congressman
 48 C.W. 'Bill' Young Veteran Tuition Waiver Act."

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 801 The Beirut Memorial
SPONSOR(S): Taylor
TIED BILLS: IDEN./SIM. BILLS: SB 876

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

SUMMARY ANALYSIS

The bill requires the Department of Management Services (DMS), subject to legislative appropriation, to establish a Beirut Memorial on the premises of the Capitol Complex to honor the U.S. Armed Forces servicemembers who lost their lives in the October 23, 1983 attack in Beirut, Lebanon.

Furthermore, DMS is required to approve the design and placement of the Beirut Memorial, after considering recommendations from the Department of Veterans' Affairs and the Florida Historical Commission. DMS must also coordinate with the Division of Historical Resources of the Department of State regarding the Beirut Memorial's design and placement.

The bill has an indeterminate fiscal impact on state government as establishment of the memorial is contingent upon a not yet identified legislative appropriation.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Beirut Attack

In July of 1982, President Reagan authorized the deployment of U.S. Marines to join a multinational force (MNF) alongside French and Italian troops to contribute to peacekeeping efforts in Lebanon.¹ Lebanon was in the midst of a civil war that threatened the stability of the region and raised the specter of a wider war.² Syria and Israel were at ends supporting opposing Lebanese factions and perpetuating violence in an attempt to gain control of the country. In response, the MNF was tasked to protect Palestinian civilians from the ongoing conflict.³

On October 23, 1983, the headquarters and barracks of the 1st Battalion, 9th Marines Regiment in Beirut, Lebanon were attacked.⁴ An explosion caused by a truck carrying 2,000 pounds of explosives drove into the facility and collapsed the structure killing 220 Marines, 18 sailors, and three soldiers of the United States Armed Forces.⁵ In February of 1984, President Reagan ordered that the Marines withdraw from Lebanon.⁶

Managing Agency for the Capitol Center

Chapter 272, F.S., provides that the Capitol Center⁷ is under the general control and supervision of the Department of Management Services (DMS),⁸ which includes the management and maintenance of both the grounds and buildings.⁹ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹⁰ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.¹¹ After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with the DMS.¹²

The "Capitol Complex" is defined to include:

"that portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the

¹ U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 6, 2015).

² *Id.*

³ *Id.*

⁴ Department of Management Services HB 801 analysis. On file with Veteran & Military Affairs Subcommittee staff.

⁵ Marines Blog: The Official Blog of the United States Marine Corps, *30th Anniversary of Beirut Bombing: Survivor Shares his Story*, available at <http://marines.dodlive.mil/2013/10/22/30th-anniversary-of-beirut-bombing-survivor-shares-his-story/> (last visited March 9, 2015)

⁶ U.S. Department of State, Office of the Historian, *The Reagan Administration and Lebanon, 1981-1984*, <https://history.state.gov/milestones/1981-1988/lebanon> (last visited March 6, 2015).

⁷ Section 272.12, F.S., describes the Tallahassee area bound by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

⁸ Section 272.03, F.S.

⁹ Section 272.09, F.S.

¹⁰ Section 272.07, F.S.

¹¹ Department of Management Services, Senate Bill 608 Agency Analysis (February 19, 2014). The analysis is on file with House Veteran & Military Affairs Subcommittee staff.

¹² *Id.*

Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.”¹³

Capitol Complex Monuments

The construction and placement of a monument on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by the DMS after considering the recommendations of the Florida Historical Commission.¹⁴ Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument’s design and placement.¹⁵

Among the statutorily authorized Capitol Complex memorials to honor military servicemembers are:

- The Florida Veterans’ Walk of Honor;¹⁶
- The Florida Veterans’ Memorial Garden;¹⁷ and
- The POW-MIA Chair of Honor Memorial.¹⁸

Effect of Proposed Changes

The bill requires DMS, subject to legislative appropriation, to establish a Beirut Memorial on the premises of the Capitol Complex to honor the U.S. Armed Forces servicemembers who lost their lives in the October 23, 1983 attack in Beirut, Lebanon.

DMS is required to approve the design and placement of the Beirut Memorial, after considering recommendations from the Department of Veterans’ Affairs and the Florida Historical Commission. DMS must also coordinate with the Division of Historical Resources of the Department of State regarding the Beirut Memorial’s design and placement.

B. SECTION DIRECTORY:

Section 1. Creates s. 265.005, F.S., relating to the establishment of a Beirut Memorial.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

The bill has an indeterminate fiscal impact on state government as establishment of the memorial is contingent upon a not yet identified legislative appropriation.

¹³ Section 281.01, F.S.

¹⁴ Section 265.111(2), F.S.

¹⁵ *Id.*

¹⁶ Section 265.0031, F.S.

¹⁷ *Id.*

¹⁸ Section 265.00301, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure 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:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for executive branch rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1 A bill to be entitled
 2 An act relating to the Beirut Memorial; creating s.
 3 265.005, F.S.; providing legislative intent; requiring
 4 the Department of Management Services to establish a
 5 Beirut Memorial, subject to legislative appropriation;
 6 requiring the department to consider recommendations
 7 of the Department of Veterans' Affairs and the Florida
 8 Historical Commission regarding specific aspects of
 9 the memorial; requiring the Department of Management
 10 Services to coordinate with the Division of Historical
 11 Resources regarding design and placement of the
 12 memorial; providing an effective date.

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

15
 16 Section 1. Section 265.005, Florida Statutes, is created
 17 to read:

18 265.005 Beirut Memorial.-

19 (1) It is the intent of the Legislature to recognize and
 20 honor the sacrifices endured by members of the United States
 21 Armed Forces who lost their lives as a result of the explosion
 22 of a truck laden with compressed gas-enhanced explosives which
 23 collapsed the headquarters building of the 1st Battalion, 8th
 24 Marines Regiment in Beirut, Lebanon, on October 23, 1983.

25 (2) The Department of Management Services shall, subject
 26 to legislative appropriation, establish a Beirut Memorial. The

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27 Department of Management Services shall approve the design and
28 placement of the Beirut Memorial in the Capitol Complex, as
29 defined in s. 281.01, after considering recommendations from the
30 Department of Veterans' Affairs and, pursuant to ss. 265.111 and
31 267.0612(9), the Florida Historical Commission with regard to
32 the appropriate design and placement of the memorial. The
33 Department of Management Services shall also coordinate with the
34 Division of Historical Resources of the Department of State
35 regarding the memorial's design and placement, subject to the
36 division's powers and duties under s. 267.031.

37 Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1091 Military Affairs
SPONSOR(S): Steube
TIED BILLS: IDEN./SIM. BILLS: SB 1296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Renner <i>JR</i>	Kiner <i>kk</i>
2) Appropriations Committee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The bill addresses outreach to veterans, support for student veterans at public colleges and universities, and absentee voting for military personnel. Specifically the bill:

- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written information on federal, state, and local veterans benefit services;
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues; and
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State (DOS) to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots.

The bill has an insignificant negative fiscal impact on the Department of State for the reimbursement of per diem and travel expenses for the Task Force. The bill has an indeterminate fiscal impact on implementing the voluntary check-off program (See Fiscal Comments).

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Veterans' Information Check-Offs

Present Situation

Voluntary Contributions on Driver License/Identification Card Applications

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver's license or identification card application (Voluntary Check-Offs). The contribution allows a person applying for, renewing, or replacing a Florida driver's license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to the Department of Highway Safety and Motor Vehicles (DHSMV) at least 90 days before the convening of the next regular session of the Legislature:

- A request for the contribution describing it in general terms;
- An application fee of not more than \$10,000 to defray DHSMV's costs for reviewing the application and developing the new check-off. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.¹

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.²

Section 215.20, F.S., provides for an eight percent service charge on all income that is of a revenue nature and that is deposited in trust funds. The service charge is deposited in the General Revenue Fund. However, certain driver's license or identification card application contributions that are not classified as income of a revenue nature are excluded from this General Revenue Fund service charge.

Florida Vets Connect Initiative

In 2010, DHSMV and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect initiative. The initiative allows veterans to voluntarily identify their veteran status to DHSMV when applying for or renewing a driver license or identification card. Pursuant to a memorandum of understanding, driver's license record data exchange³ between the two agencies, the contact information is then forwarded to FDVA to be used to ensure Florida's veterans are provided information regarding benefits to which they may be entitled.⁴ According to FDVA, it receives the veterans' contact information (which includes email addresses) from DHSMV and then emails benefits information to the recipient. In 2014, 50,350 emails were sent out. The following chart depicts the rate that FDVA sent emails to recipients on a monthly basis during the 2014 calendar year:

¹ s. 322.081(1), F.S.

² s. 322.081(4)(a), F.S.

³ Florida Department of Highway Safety and Motor Vehicles, Memorandum of Understanding (MOU), DHSMV Contract No.: HSMV-0607—13, May 1, 2013.

⁴ Florida CFO Press Release, "Florida Vets Connect' Connects Nearly 30,000 Florida Veterans with Benefits", February 10, 2010; available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3738> (Last visited March 5, 2015).

Month	Emails Sent
January	4,577
February	6,065
March	4,327
April	4,625
May	4,225
June	4,040
July	3,956
August	4,213
September	3,880
October	3,803
November	3,835
December	2,804

County and City Veteran Service Officers

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.⁵ Each county currently employs a veteran service officer; however, not every city has a veteran service officer.⁶

Direct Support Organizations

Florida law provides for the establishment of direct-support organizations as a means to assist state agencies in accomplishing their missions. A direct-support organization is established as a Florida corporation not for profit incorporated under ch. 617, F.S., and approved by the DOS.

The 2008 Legislature authorized the establishment of the Florida Veterans Foundation, a direct-support organization created to provide assistance, funding, and support for the FDVA in carrying out its mission of veterans' advocacy.⁷ The Florida Veterans Foundation mission is to serve, support, and advocate for Florida veterans to improve their wellbeing.

Effect of Proposed Changes

The bill amends the DHSMV's application process and requirements for driver licenses and identification cards. The bill requires such application forms for an original, renewal, or replacement driver license or identification card to include a voluntary check-off that permits honorably discharged veterans to request written information for federal, state, and local veteran services programs. Specifically, the information must be in written form and be for federal, state, and local veteran services programs from a county or city veteran service officer through a direct-support organization or, if the veteran is not under the jurisdiction of a county or city veteran service officer, from FDVA and sent by United States mail.

DHSMV is required to work with FDVA in the administration of these provisions.

The bill requires DHSMV to provide a quarterly report to FDVA that includes the:

⁵ s. 292.11(4), F.S.

⁶ Listing of Florida County Veteran Service Officers, available at http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf (last visited March 9, 2015)

⁷ See s. 292.055, F.S.

- Legal name,
- Sex,
- Date of birth,
- Social security number, and
- Address.

The bill requires proof of veteran status to be:

- A DD Form 214 issued by the United States Department of Defense, or
- Another acceptable form as specified by FDVA.

The bill requires FDVA provide assistance to veterans who select the voluntary check-off with:

- Preparing claims for and securing compensation,
- Hospitalization,
- Career training, and
- Other benefits or privileges that such veterans are or may become entitled to under any federal or state law or regulation by reason of their service in the United States Armed Forces.

The bill authorizes FDVA to apply for and administer any federal veteran services programs and develop and coordinate such state and local programs as may be beneficial to the particular interests of veterans, including, but not limited to, social services, health care, education, employment, and any other areas of determined need.

The bill provides that the programs developed, administered, and coordinated pursuant to this subsection are subject to chapters 215, F.S., and 216, F.S., and services secured pursuant to this subsection shall be without charge to the veteran.

Veterans' Training and Coursework

Present Situation

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.⁸ In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as is provided by law and appoints the Commissioner of the Department of Education.

Some of the specific powers of the State Board of Education include adopting and periodically reviewing and revising the Florida Standards, classifying school services, designating certification subject areas, and establishing competencies and certification requirements for all school-based personnel.⁹

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.¹⁰

⁸ s. 1001.02(1), F.S.

⁹ s. 1001.03, F.S.

¹⁰ Florida Department of Education website, About Us, available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (Last visited March 4, 2015).

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System.¹¹ The System enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.¹²

College Credit for Military Training

Current law requires the Board of Governors adopt regulations¹³ and the State Board of Education adopt rules¹⁴ enabling members of the U.S. Armed Forces to earn college-level credit for training and education they acquired while in the military. The end result is a uniform approach to evaluating and awarding college credit across Florida public postsecondary institutions to United States Armed Forces servicemembers.

The law requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.¹⁵ Such regulations and rules may decrease the amount of time and cost for servicemembers to receive a postsecondary degree.

Specifically, the Board of Governors regulation requires each university board of trustees adopt a policy and process that enables students who are active duty members or veterans of the United States Armed Forces to earn appropriate academic college credit for college-level training and education acquired in the military.

The State Board of Education requires Florida College System institution board of trustees adopt a policy that:

- Specifies the granting of credit for military training,
- Specifies the use of military credit toward degree program requirements, and
- Allows for transfer, when applicable.

The credit must be noted on the student's transcript and the policy published in the college's catalog.

Priority Course Registration for Veterans

Current law also requires institutions within the Florida College System¹⁶ and the State University System¹⁷ provide priority course registration for veterans. Specifically, institutions that offer priority course registration for a portion of its student population must also provide priority course registration for veterans of the U.S. Armed Forces and their eligible family members. The veterans or their family members must be utilizing the educational benefits of the GI Bill.¹⁸

¹¹ The State University System 2025 System Strategic Plan, page 5, available at:

http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf (Last visited March 4, 2015).

¹² *Id.*

¹³ BOG 6.013 Military Veterans and Active Duty.

¹⁴ Rule 6A-14.0302, F.A.C.

¹⁵ s. 1004.096, F.S.

¹⁶ Rule 6A-14.0302, F.A.C.

¹⁷ BOG 6.013 Military Veterans and Active Duty.

¹⁸ s. 1004.075, F.S.

Effect of Proposed Changes

The bill provides legislative findings and intent to assist veterans in utilizing the training and coursework that they receive in the military in their pursuit of a public postsecondary degree.

Specifically, the bill provides legislative findings that many veterans of the U.S. Armed Forces in this state have completed training and coursework during military service, including overseas deployments, which result in tangible and quantifiable strides in their pursuit of a postsecondary degree.

In addition, the bill finds that the State Board of Education and the Board of Governors of the State University System must work together to ensure that military training and coursework are granted academic credit in order to assist veterans in continuing their education.

Further, the bill intends, not requires, for the State Board of Education and the Board of Governors work collaboratively to do the following:

- Establish degree programs, including, but not limited to, vocational and technical degrees, at each state university and Florida College System institution that awards academic credit for military training and experience;
- Appoint and train specific faculty within each degree program at each state university and Florida College System institution as liaisons and contacts for veterans;
- Coordinate existing disability services on the campus of each state university and Florida College System institution with veteran disability services provided by the United States Department of Veterans Affairs, other federal and state agencies, and private entities;
- Facilitate statewide meetings for personnel at state universities and Florida College System institutions who provide student services for veterans to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Make every effort to provide veterans with sufficient courses required for graduation, including, but not limited to, giving priority registration to veterans.

Creation of the Overseas Military Voting Assistance Task Force

Present Situation

Federal Absentee Ballots

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to permit absent uniformed services¹⁹ and overseas voters to who apply for, but do not receive, a state absentee ballot to use a federal write-in absentee ballot (FWAB) to vote in a general, special, primary, and runoff elections for federal office.²⁰ 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.²¹

Absent uniformed services and overseas voters may obtain a FWAB through the Federal Voting Assistance Program (FVAP).²² 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.

¹⁹ 10 U.S. Code §101 defines "uniformed services" as the armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service.

²⁰ 42 U.S.C.A. § 1973ff-1(a)

²¹ s. 101.6952(2), F.S.

²² Federal Voting Assistance Program, available at: <http://www.fvap.gov/> (last viewed March 4, 2015).

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.²³

The Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots either by email, fax, or an online delivery system to UOCAVA voters no later than 45 days before a federal election, when the request has been received by that date, except where the state has been granted an undue hardship approved by the Department of Defense for that election.²⁴ The MOVE Act does not require that states accept voted ballots electronically.

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.²⁵ 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).²⁶ Absent uniformed services and overseas voters may receive their state absentee ballots by forwardable mail, e-mail, or fax machine transmission.²⁷ The voter may designate in the absentee ballot request the preferred method of transmission.²⁸ If the voter does not designate the method of transmission, the ballot must be delivered by mail.²⁹

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.³⁰ To be accepted and counted, the ballots must be received by the supervisor of elections by 7 p.m. on election day.³¹ 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.³²

Effect of Proposed Changes

The bill creates the Overseas Military Voting Assistance Task Force (Task Force) to study the development and implementation of an online voting system that would allow an absent uniformed services voter to submit a voted absentee ballot electronically.

The Task Force must be composed of 20 members as follows:

- The Secretary of State or his or her designee, who must serve as chair.
- The Adjutant General or his or her designee.
- The executive director of the FDVA or his or her designee.
- The executive director of the Agency for State Technology or his or her designee.
- One member of the Senate appointed by the President of the Senate.
- One member of the House of Representatives appointed by the Speaker of the House of Representatives.

²³ s. 101.6952(3)(b), F.S.

²⁴ See Pub. L. No. 111-84, H.R. 2647, 111th Cong. (Oct. 28, 2009)

²⁵ 42 U.S.C.A. § 1973ff-1(a)(1)

²⁶ s. 101.62(1)(a)-(b), F.S.

²⁷ s. 101.62(4)(c)2., F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ Rule 1S-2.030(4), F.A.C.

³¹ *Id.*

³² s. 101.6952(5), F.S.

- One member of the Senate appointed by the Minority Leader of the Senate.
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.
- One individual appointed by the Governor.
- Six supervisors of elections appointed by the Secretary of the State.
- Five individuals appointed by the Secretary of State who have relevant expertise in computer technology, the Internet, or other associated technologies.

Members of the Task Force must serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The Division of Elections of the DOS must provide support staff for the Task Force and the Agency for State Technology must assist the Task Force upon request.

The Task Force must study and report on issues including, but not limited to:

- Any factor that limits the ability of an absent uniformed services voter to request, receive, and return a voted absentee ballot within the required time period.
- The costs associated with the development and implementation of an online voting system.
- The feasibility of an absent uniformed services voter using an online voting system to electronically submit a voted absentee ballot.
- The security of electronically submitting a voted absentee ballot through an online voting system.
- Procedures adopted by other states to facilitate greater electoral participation by absent uniformed services voters.

The Secretary of State must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, containing Task Force recommendations for the development and implementation of an online voting system that allows an absent uniformed services voter to electronically submit a voted absentee ballot.

B. SECTION DIRECTORY:

Section 1. Amends s. 322.08, F.S., relating to the application for a license and the requirements for a license and identification card forms.

Section 2. Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

Section 3. Creates the Overseas Military Voting Assistance Task Force.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The DOS would be responsible for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force members. Additionally, the Division of Elections within the DOS will provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this may require additional full-time employees.³³

The bill has an indeterminate fiscal impact on implementing the voluntary check-off program. Program expenses may include postage fees, packaging materials, technical and staff support. The bill does not identify a funding source to pay for the implementation of the program and does not specify which entity referenced in the bill is responsible for the costs associated with the program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

³³ Department of State HB 1091 agency analysis. On file with Veteran & Military Affairs Subcommittee staff.

1 A bill to be entitled
2 An act relating to military affairs; amending s.
3 322.08, F.S.; requiring the application form for an
4 original, renewal, or replacement driver license or
5 identification card to include a voluntary checkoff
6 permitting certain veterans to request written
7 information for federal, state, and local veteran
8 services programs; directing the Department of Highway
9 Safety and Motor Vehicles to report specified
10 information to the Department of Veterans' Affairs;
11 directing the department to assist veterans with
12 preparing certain claims and securing certain
13 services; providing legislative findings regarding
14 continuing education for veterans of the United States
15 Armed Forces; providing legislative intent for the
16 State Board of Education and the Board of Governors of
17 the State University System to work collaboratively to
18 establish degree programs at state universities and
19 Florida College System institutions, train faculty,
20 coordinate campus disability services, facilitate
21 statewide meetings for personnel, and provide
22 sufficient courses and priority registration to
23 veterans; creating the Overseas Military Voting
24 Assistance Task Force; providing for task force
25 purpose, membership, compensation, and expiration;
26 requiring the Division of Elections of the Department

27 of State to provide support staff to the task force;
 28 requiring the Agency for State Technology to assist
 29 the task force upon request; requiring the Secretary
 30 of State to submit a report to the Governor and
 31 Legislature containing task force recommendations for
 32 the development and implementation of an online voting
 33 system; providing an effective date.

34

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

36

37 Section 1. Subsection (8) of section 322.08, Florida
 38 Statutes, is renumbered as subsection (9), and a new subsection
 39 (8) is added to that section to read:

40 322.08 Application for license; requirements for license
 41 and identification card forms.-

42 (8) (a) To facilitate outreach by the Department of
 43 Veterans' Affairs, the application form for an original,
 44 renewal, or replacement driver license or identification card
 45 must include a voluntary checkoff permitting an honorably
 46 discharged member of the United States Armed Forces to request
 47 written information for federal, state, and local veteran
 48 services programs from a county or city veteran service officer
 49 through a direct-support organization or, if the veteran is not
 50 under the jurisdiction of a county or city veteran service
 51 officer, the Department of Veterans' Affairs.

52 (b) The department shall work with the Department of

53 Veterans' Affairs to administer this subsection. The department
 54 shall report quarterly to the Department of Veterans' Affairs
 55 the legal name, sex, date of birth, social security number, and
 56 address of each honorably discharged member of the United States
 57 Armed Forces who provides a DD Form 214 issued by the United
 58 States Department of Defense or another acceptable form
 59 specified by the Department of Veterans' Affairs and who selects
 60 the voluntary checkoff to receive written information for
 61 federal, state, and local programs pursuant to paragraph (a).
 62 Information for such programs shall be sent by United States
 63 mail.

64 (c) The Department of Veterans' Affairs shall provide
 65 assistance to veterans who select the voluntary checkoff
 66 pursuant to paragraph (a) with preparing claims for and securing
 67 compensation, hospitalization, career training, and other
 68 benefits or privileges that such veterans are or may become
 69 entitled to under any federal or state law or regulation by
 70 reason of their service in the United States Armed Forces. The
 71 Department of Veterans' Affairs may apply for and administer any
 72 federal veteran services programs and develop and coordinate
 73 such state and local programs as may be beneficial to the
 74 particular interests of veterans, including, but not limited to,
 75 social services, health care, education, employment, and any
 76 other areas of determined need. Programs developed,
 77 administered, and coordinated pursuant to this subsection are
 78 subject to chapters 215 and 216 and services secured pursuant to

79 this subsection shall be without charge to the veteran.

80 Section 2. The Legislature finds that many veterans of the
 81 United States Armed Forces in this state have completed training
 82 and coursework during their military service, including overseas
 83 deployments, resulting in tangible and quantifiable strides in
 84 their pursuit of a postsecondary degree. The Legislature further
 85 finds that the State Board of Education and the Board of
 86 Governors of the State University System must work together to
 87 ensure that military training and coursework are granted
 88 academic credit in order to assist veterans in continuing their
 89 education. Therefore, it is the intent of the Legislature that
 90 the State Board of Education and the Board of Governors work
 91 collaboratively to:

92 (1) Establish degree programs, including, but not limited
 93 to, vocational and technical degrees, at each state university
 94 and Florida College System institution that awards academic
 95 credit for military training and experience.

96 (2) Appoint and train specific faculty within each degree
 97 program at each state university and Florida College System
 98 institution as liaisons and contacts for veterans.

99 (3) Coordinate existing disability services on the campus
 100 of each state university and Florida College System institution
 101 with veteran disability services provided by the United States
 102 Department of Veterans Affairs, other federal and state
 103 agencies, and private entities.

104 (4) Facilitate statewide meetings for personnel at state

105 universities and Florida College System institutions who provide
 106 student services for veterans to discuss and develop best
 107 practices, exchange ideas and experiences, and hear
 108 presentations by individuals with expertise in the unique needs
 109 of veterans.

110 (5) Make every effort to provide veterans with sufficient
 111 courses required for graduation, including, but not limited to,
 112 giving priority registration to veterans.

113 Section 3. Overseas Military Voting Assistance Task
 114 Force.—

115 (1) The Overseas Military Voting Assistance Task Force is
 116 created for the purpose of studying the development and
 117 implementation of an online voting system that would allow an
 118 absent uniformed services voter to electronically submit a voted
 119 absentee ballot.

120 (2)(a) The task force shall be composed of 20 members, as
 121 follows:

122 1. The Secretary of State or his or her designee, who
 123 shall serve as chair.

124 2. The Adjutant General or his or her designee.

125 3. The executive director of the Department of Veterans'
 126 Affairs or his or her designee.

127 4. The executive director of the Agency for State
 128 Technology or his or her designee.

129 5. One member of the Senate appointed by the President of
 130 the Senate.

131 6. One member of the House of Representatives appointed by
 132 the Speaker of the House of Representatives.

133 7. One member of the Senate appointed by the Minority
 134 Leader of the Senate.

135 8. One member of the House of Representatives appointed by
 136 the Minority Leader of the House of Representatives.

137 9. One individual appointed by the Governor.

138 10. Six supervisors of elections appointed by the
 139 Secretary of State.

140 11. Five individuals appointed by the Secretary of State
 141 who have relevant expertise in computer technology, the
 142 Internet, or other associated technologies.

143 (b) Members of the task force shall serve without
 144 compensation but are entitled to reimbursement for per diem and
 145 travel expenses pursuant to s. 112.061, Florida Statutes.

146 (3) The task force shall study and report on issues
 147 including, but not limited to:

148 (a) Any factor that limits the ability of an absent
 149 uniformed services voter to request, receive, and return a voted
 150 absentee ballot within the required time period pursuant to s.
 151 101.62, Florida Statutes.

152 (b) The costs associated with the development and
 153 implementation of an online voting system.

154 (c) The feasibility of an absent uniformed services voter
 155 using an online voting system to electronically submit a voted
 156 absentee ballot.

157 (d) The security of electronically submitting a voted
 158 absentee ballot through an online voting system.

159 (e) Procedures adopted by other states to facilitate
 160 greater electoral participation by absent uniformed services
 161 voters.

162 (4) The Division of Elections of the Department of State
 163 shall provide support staff for the task force. The Agency for
 164 State Technology shall assist the task force upon request.

165 (5) The Secretary of State shall submit a report to the
 166 Governor, the President of the Senate, and the Speaker of the
 167 House of Representatives by July 1, 2016, containing task force
 168 recommendations for the development and implementation of an
 169 online voting system that allows an absent uniformed services
 170 voter to electronically submit a voted absentee ballot.

171 (6) The task force shall expire July 1, 2016.

172 Section 4. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1095 Discounts on Public Park Entrance Fees & Transportation Fares

SPONSOR(S): Rooney, Jr.

TIED BILLS: **IDEN./SIM. BILLS:** HB 721, SB 1430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee		Thompson	JG Kiner CLK
2) Local Government Affairs Subcommittee			
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

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

The bill requires counties and municipalities to provide discounts on local park entrance fees to the following individuals who present written documentation:

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;
- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

For the purpose of minimizing any potential fiscal impact on local revenue, the bill:

- Allows a county or municipal park to determine the amount of the discount in accordance with its financial circumstances; and
- Narrowly defines a "park entrance fee" to exclude fees for the use of campgrounds, aquatic facilities, stadiums or arenas, special events, and other expanded amenity fees.

The bill also requires regional transportation authorities to provide disabled veterans, who provide written documentation, with discounts on fares or charges.

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

Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill. Regional transportation authorities may experience a decrease in revenue generated from the discounted rates, fees and charges.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Military and Veteran Presence in Florida

Florida is home to over 61,000 active-duty military servicemembers,¹ over 36,000 Reservists,² and over 1.5 million veterans.³ Approximately 285,000 of Florida's 1.5 million plus veterans are service-disabled.⁴

The Florida National Guard (Guard) has nearly 12,000 members, with 9,900 National Guard personnel and 2,000 Air National Guard personnel.⁵

Florida State Park System

The Department of Environmental Protection (DEP), through its Division of Recreation and Parks (DRP), oversees Florida's 161 state parks, 10 state trails, nearly 800,000 acres, and 100 miles of beaches.⁶ Florida state parks and trails welcomed more than 27 million visitors during the 2013-2014 fiscal year.⁷ During this same time period, Florida state parks and trails generated over \$2.1 billion in direct economic impact, and over \$140 million in increased sales tax revenue.⁸

To administer, improve, and maintain Florida state parks and trails, the DRP charges reasonable fees for the use or operation of park and trail facilities.⁹ Typically, these fees are categorized as entrance fees and activity fees, although other fees may be charged in some cases.¹⁰ Daily entrance fees are typically charged per vehicle and range from \$4.00-\$6.00 for a single-occupant vehicle (or motorcycle admission) to \$5.00-\$10.00 for vehicles with two to eight occupants.¹¹ Annual entrance passes are also

¹ Enterprise Florida, Inc., "Florida The Perfect Climate For Business, DEFENSE/HOMELAND SECURITY, available at: <https://www.enterpriseflorida.com/wp-content/uploads/brief-defense-homeland-security-florida.pdf> (Last visited March 10, 2015).

² Office of the Deputy Assistant Secretary of Defense (Military Community and Family Policy), under contract with ICF International, "2013 Demographics, PROFILE OF THE MILITARY COMMUNITY", at page v, available at:

<http://www.militaryonesource.mil/12038/MOS/Reports/2013-Demographics-Report.pdf> (Last visited March 10, 2015). According to the report, reserve components include the Department of Defense's Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard and Air Force Reserve, and DHS's Coast Guard Reserve.

³ FDVA, Annual Report Fiscal Year 2013-2014, page 6, available at: <http://floridavets.org/wp-content/uploads/2012/08/Annual-Report-2013-14-Final-11-11-14.pdf> (Last visited March 10, 2015).

⁴ U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2013, page 29 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf> (Last visited March 10, 2015).

⁵ Florida National Guard website, available at: http://www.floridaguard.army.mil/?page_id=7 (Last viewed March 10, 2015).

⁶ Florida Department of Environmental Protection website, available at: <http://www.dep.state.fl.us/parks/> (Last visited March 10, 2015).

⁷ Florida Department of Environmental Protection, Fiscal Year 2013-2014 Economic Impact Assessment for the Florida State Park System, October 23, 2014.

⁸ Id. 'Direct economic impact' is defined as "the amount of new dollars spent in the local economy by non-local park visitors and park operations. "Increased State Sales Tax" is defined as "the estimated amount of tax dollars the state receives as a result of park visitor expenditures."

⁹ s. 258.014, F.S.

¹⁰ A county surcharge is an example of an "other fee." Florida State Parks website, "Fees," available at: <https://www.floridastateparks.org/things-to-know/fees#daily> (Last visited March 10, 2015).

¹¹ Florida State Parks Fee Schedule, available at:

<https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf> (Last visited March 10, 2015).

available.¹² The regular price for an annual entrance pass is \$60 for an individual and \$120 for a family.¹³

State Park Fee Discounts

Currently, DPR provides discounts on state park fees to certain persons who present written documentation. An active-duty military servicemember or honorably discharged veteran is eligible for a 25-percent discount on an annual entrance pass, and as a result, would only pay \$45 for an individual entrance pass or \$90 for a family entrance pass.¹⁴

An honorably discharged veteran who has a service-connected disability is eligible to receive lifetime family annual entrance passes at no charge.¹⁵ Also, the surviving spouse and parents of the following persons are eligible to receive lifetime family annual entrance passes at no charge:

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

State Park Entrance Passes Sold, FY 2013-2014		
Discount Type	Estimated Passes Sold ¹⁶	Value
Individual Entrance Pass (25% discount: active-duty servicemembers and veterans)	1,295	\$19,425
Family Annual Entrance Pass (25% discount: active-duty servicemembers and veterans)	4,103	\$123,090
Lifetime Family Annual Entrance Pass (Full discount: disabled veterans; the spouse and parents of a fallen military servicemember, law enforcement officer, or firefighter)	9,804	\$1,176,480
Total for FY 2013-2014	15,202	\$1,318,995

County and Municipal Parks

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

Disabled Veterans

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

- Those who have served on active duty in any branch of the United States Armed Forces, received an honorable discharge, and have a service-connected disability pursuant to the United States Department of Veterans Affairs; or

¹² Id.

¹³ Id.

¹⁴ s. 258.0145(1), F.S.

¹⁵ s. 258.0145(2), F.S.

¹⁶ DEP provided the estimated sales information to the Veteran & Military Affairs Subcommittee on February 24, 2015.

- - Those who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

Florida Transportation Authorities and Passenger Rail Systems

Chapters 348 and 349, F.S., govern the Florida Regional Transportation Authorities. Chapter 343, F.S., provides for the creation of the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transportation Authority. Chapter 348, F.S., provides for the creation of the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority. Chapter 349, F.S., establishes the Jacksonville Transportation Authority. In 2014, the Legislature renamed the Orlando-Orange County Expressway Authority Law as the Central Florida Expressway Authority Law.¹⁷

Tri-Rail, operated by the South Florida Regional Transportation Authority, is the only publicly funded passenger rail system in the state.¹⁸ Tri-Rail currently offers a 50 percent discount on Fare EASY Cards to persons with disabilities. A few of the acceptable forms of documentation to present at the ticket kiosk include a Disabled Veterans ID, a letter from a physician, a driver license indicating disability, a Medicare Card, or Social Security documentation for Disability Benefits.¹⁹

Regional Transportation Authorities

Part V, chapter 163, F.S., provides for the governance of “Regional Transportation Authorities.” The law defines “authority” as a body politic and corporate created pursuant to this part²⁰ including any two or more contiguous counties, municipalities, other political subdivisions, or combinations in the state and authorized to develop a charter.²¹

In part, Regional Transportation Authorities created by this part are authorized to purchase, own, operate, or provide for the operation of transportation facilities.²² In so doing, the authorities are authorized to:

- Establish equitable and just rates, fees and charges; and
- Acquire and operate, or provide for the operation of, local transportation systems, public or private, within the area.²³

Proposed Changes

Local Park Entrance Fee Discounts

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

- Current members, honorably discharged veterans, and veterans with a service-connected disability, of the United States Armed Forces, their reserve components, or the National Guard;

¹⁷ Chapter. 2014-171, L.O.F.

¹⁸ South Florida Regional Transportation Authority, Overview, <http://www.sfrta.fl.gov/overview.aspx> (last visited March 10, 2015).

¹⁹ Tri-Rail, Discount Policy, <http://www.tri-rail.com/fares/discount-policy/> (last visited March 10, 2015).

²⁰ s. 163.566(1), F.S.

²¹ s. 163.567(1), F.S.

²² s. 163.568(1), F.S.

²³ s. 163.568(2), F.S.

- The surviving spouse or parent of a deceased member of the United States Armed Forces, their reserve components, or the National Guard, who died in the line of duty under combat-related conditions; and
- The surviving spouse or parent of a law enforcement officer or firefighter who died in the line of duty.

In order to take advantage of the discount, a park visitor must present written documentation satisfactory to the county or municipal department, which evidences the individual's eligibility. Typically, sufficient written documentation for an active duty military servicemember includes a current, valid military identification card, which may include the Common Access Cards (CAC).²⁴ The CAC card is the standard identification for active duty uniformed service personnel, Selected Reserve, Department of Defense (DoD) civilian employees, and eligible contractor personnel.²⁵

For an honorably discharged veteran, sufficient written documentation may include a copy of the veteran's separation from service documents, or the Uniformed Services ID Card,²⁶ which allows access to various military service benefits or privileges.²⁷ There are seven types of Uniformed Services ID Cards and the benefits associated with each card depend on who the individual is.²⁸

The bill does not require Florida residency.

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

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

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

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

²⁴ An example of a CAC card can be found on the Department of Defense website on Common Access Cards, *available at* <http://www.cac.mil/common-access-card/>

²⁵ Department of Defense website on Common Access Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/common-access-card/>

²⁶ An example of a Uniformed Services ID Card can be found on the Department of Defense website on Uniformed Services ID Cards, *available at* <http://www.cac.mil/uniformed-services-id-card/>

²⁷ Department of Defense website on Uniformed Services ID Cards, (last visited February 9, 2015) *available at* <http://www.cac.mil/uniformed-services-id-card/>

²⁸ *Id.*

Transportation Fare Discounts

The bill also provides disabled veterans, as described in section 295.07(1)(a), with discounts when using a transportation system or facility owned or operated by a regional transportation authority. The regional transportation authority may offer either a full or partial discount to a disabled veteran, upon a showing of written documentation evidencing eligibility.

B. SECTION DIRECTORY:

- Section 1: Creates s. 125.029, relating to military, law enforcement, and firefighter county park entrance fee discounts.
- Section 2: Creates s. 163.58, F.S., relating to transportation fare discounts.
- Section 3. Creates s. 166.0447, F.S., relating to military, law enforcement, and firefighter municipal park entrance fee discounts.
- Section 4: Provides an effective date of July 1, 2015.

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:

Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

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

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

2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

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

D. FISCAL COMMENTS:

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

Although it is likely to have an insignificant negative fiscal impact to county and municipal governments, the Revenue Estimating Conference has not yet provided an estimate of the provisions of this bill.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

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

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

28

29 Section 1. Section 125.029, Florida Statutes, is created
30 to read:

31 125.029 Military, law enforcement, and firefighter county
32 park entrance fee discounts.-

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

38 (a) A current member of the United States Armed Forces,
39 the National Guard, or their reserve components.

40 (b) An honorably discharged veteran of the United States
41 Armed Forces, the National Guard, or their reserve components.

42 (c) A veteran of the United States Armed Forces, the
43 National Guard, or their reserve components, who has a service-
44 connected disability as determined by the United States
45 Department of Veterans Affairs.

46 (d) A surviving spouse and parents of a deceased member of
47 the United States Armed Forces, the National Guard, or their
48 reserve components, who died in the line of duty under combat-
49 related conditions.

50 (e) A surviving spouse and parents of a law enforcement
51 officer, as defined in s. 943.10(1), or a firefighter, as
52 defined in s. 633.102, who died in the line of duty.

53 (2) As used in this section, the term "park entrance fee"
 54 means a fee charged to access lands managed by a county park or
 55 recreation department. The term does not include expanded
 56 amenity fees for amenities such as, campgrounds, aquatic
 57 facilities, stadiums or arenas, facility rentals, special
 58 events, boat launching, golf, zoos, museums, gardens, or
 59 programs taking place within public lands.

60 Section 2. Section 163.58, Florida Statutes, is created to
 61 read:

62 163.58 Transportation fare discounts.—An authority shall
 63 provide a partial or a full discount on fares and on other
 64 charges for the use of a transportation system or a
 65 transportation facility owned or operated by the authority to a
 66 disabled veteran as described in s. 295.07(1)(a) who presents
 67 written documentation satisfactory to the authority which
 68 evidences eligibility for the discount.

69 Section 3. Section 166.0447, Florida Statutes, is created
 70 to read:

71 166.0447 Military, law enforcement, and firefighter
 72 municipal park entrance fee discounts.—

73 (1) A municipal park or recreation department shall
 74 provide a partial or a full discount on park entrance fees to
 75 the following individuals who present written documentation
 76 satisfactory to the municipal department which evidences
 77 eligibility for the discount:

78 (a) A current member of the United States Armed Forces,

79 the National Guard, or their reserve components.

80 (b) An honorably discharged veteran of the United States
 81 Armed Forces, the National Guard, or their reserve components.

82 (c) A veteran of the United States Armed Forces, the
 83 National Guard, or their reserve components, who has a service-
 84 connected disability as determined by the United States
 85 Department of Veterans Affairs.

86 (d) A surviving spouse and parents of a deceased member of
 87 the United States Armed Forces, the National Guard, or their
 88 reserve components, who died in the line of duty under combat-
 89 related conditions.

90 (e) A surviving spouse and parents of a law enforcement
 91 officer, as defined in s. 943.10(1), or a firefighter, as
 92 defined in s. 633.102, who died in the line of duty.

93 (2) As used in this section, the term "park entrance fee"
 94 means a fee charged to access lands managed by a municipal park
 95 or recreation department. The term does not include expanded
 96 amenity fees for amenities such as, campgrounds, aquatic
 97 facilities, stadiums or arenas, facility rentals, special
 98 events, boat launching, golf, zoos, museums, gardens, or
 99 programs taking place within public lands.

100 Section 4. This act shall take effect July 1, 2015.