

**By** the Committees on Criminal Justice; and Military Affairs, Space, and Domestic Security; and Senators Bennett, Detert, Jones, Gaetz, and Fasano

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1                                   A bill to be entitled  
2           An act relating to current and former military  
3           personnel; creating s. 220.1893, F.S.; providing a tax  
4           credit program for eligible businesses that hire  
5           certain national guard members; providing definitions;  
6           providing credits against specified taxes for  
7           certified businesses; providing guidelines for  
8           becoming a certified business; requiring the  
9           Department of Economic Opportunity to certify  
10          qualified businesses; providing criteria for the  
11          certification; limiting the total amount of tax  
12          credits; providing for certain tax credits to be  
13          carried forward; providing penalties for fraudulent  
14          claims; authorizing the Department of Economic  
15          Opportunity and the Department of Revenue to adopt  
16          rules; providing for future expiration of the tax  
17          credit program; amending s. 265.003, F.S.; creating  
18          the Florida Veterans' Hall of Fame Council; providing  
19          for membership and terms of appointment; providing for  
20          the appointment of a chair; providing for meetings, a  
21          quorum, and voting; providing for reimbursement of  
22          travel expenses; providing for the removal of an  
23          appointee; providing for the Florida Veterans' Hall of  
24          Fame Council rather than the Department of Veterans'  
25          Affairs to select nominees for induction into the  
26          Florida Veterans' Hall of Fame and to establish the  
27          criteria for selection; requiring that the Governor  
28          and Cabinet annually select a specified number of  
29          nominees for induction; amending s. 295.187, F.S.;

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30 revising legislative intent; renaming and revising the  
31 Florida Service-Disabled Veteran Business Enterprise  
32 Opportunity Act to expand the vendor preference in  
33 state contracting to include certain businesses owned  
34 and operated by wartime veterans or veterans of a  
35 period of war; amending s. 320.08056, F.S.; providing  
36 the license plate annual use fee for an American  
37 Legion license plate; amending s. 320.08058, F.S.;  
38 creating the American Legion license plate; providing  
39 for the distribution of use fees received from the  
40 sale of the license plates; amending s. 320.089, F.S.;  
41 providing for the issuance of a Combat Infantry Badge  
42 license plate; providing qualifications and  
43 requirements for the plate; providing for the use of  
44 proceeds from the sale of the plate; providing for  
45 issuance of a Vietnam War Veterans' license plate and  
46 the Korean Conflict Veterans' license plate; providing  
47 qualifications and requirements for the plates;  
48 creating s. 320.0892, F.S.; providing for the  
49 Department of Highway Safety and Motor Vehicles to  
50 issue Silver Star, Distinguished Service Cross, Navy  
51 Cross, and Air Force Cross license plates, without  
52 payment of the license tax, to persons meeting  
53 specified criteria; creating s. 683.146, F.S.;  
54 designating August 7 of each year as "Purple Heart  
55 Day"; providing a short title; creating a court  
56 program for certain servicemembers and military  
57 veterans who suffer from mental illness, traumatic  
58 brain injury, substance use disorder, or psychological

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59 problems as a result of their military service;  
60 providing qualifications for entrance into the court  
61 program; amending s. 948.08, F.S.; creating a pretrial  
62 veterans' and servicemembers' treatment intervention  
63 program; providing requirements for a defendant to be  
64 voluntarily admitted to the pretrial program;  
65 providing certain exceptions to such admission;  
66 providing for the disposition of pending charges  
67 following a defendant's completion of the pretrial  
68 intervention program; providing for the charges to be  
69 expunged under certain circumstances; amending s.  
70 948.16, F.S.; creating a misdemeanor pretrial  
71 veterans' treatment intervention program; providing  
72 requirements for voluntary admission to the  
73 misdemeanor pretrial program; providing for the  
74 misdemeanor charges to be expunged under certain  
75 circumstances; exempting treatment services provided  
76 by the Department of Veterans' Affairs or the United  
77 States Department of Veterans Affairs from certain  
78 contract requirements; creating s. 948.21, F.S.;

79 authorizing the court to impose a condition of  
80 probation or community control for certain defendant  
81 veterans or servicemembers which requires  
82 participation in a treatment program capable of  
83 treating a mental illness, a traumatic brain injury, a  
84 substance use disorder, or a psychological problem;  
85 amending s. 1003.05, F.S.; requiring that a school  
86 board provide an option to school-aged dependents of  
87 military personnel to choose certain schools if the

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88 student is reassigned as a result of school rezoning;  
89 creating s. 1004.075, F.S.; requiring certain Florida  
90 College System institutions and state universities to  
91 provide priority course registration for veterans;  
92 providing eligibility requirements; creating s.  
93 1005.09, F.S.; encouraging certain independent  
94 postsecondary educational institutions to provide  
95 priority course registration for veterans; amending s.  
96 1009.21, F.S.; providing that veterans of the Armed  
97 Services of the United States, including reserve  
98 components thereof, who attend the physical location  
99 of a public college, university, or institution of  
100 higher learning within the state are residents for  
101 tuition purposes; providing effective dates.

102  
103 Be It Enacted by the Legislature of the State of Florida:

104  
105 Section 1. Section 220.1893, Florida Statutes, is created  
106 to read:

107 220.1893 National Guard Employment Tax Credit Program.—

108 (1) As used in this section, the term:

109 (a) "Department" means the Department of Economic  
110 Opportunity.

111 (b) "Eligible business" means any business that is  
112 operating and authorized to do business in this state.

113 (c) "Qualified employee" means a person:

114 1. Who is a current Florida National Guard member in good  
115 standing, as verified by the Adjutant General of the Florida  
116 National Guard, and has been unemployed for more than 6 months

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117 or is returning from duty abroad;

118 2. Who was hired by an eligible business on or after July  
119 1, 2012, and had not previously been employed by the eligible  
120 business or its parent or an affiliated corporation;

121 3. Who performed duties connected to the operations of the  
122 eligible business on a regular, full-time basis for an average  
123 of at least 36 hours per week and for at least 3 months before  
124 an eligible business is awarded a tax credit; and

125 4. Whose employment by the eligible business has not formed  
126 the basis for any other claim to a credit pursuant to this  
127 chapter.

128 (2) A certified business shall receive a \$10,000 tax credit  
129 for each qualified employee, subject to the limitation in  
130 subsection (5). The credit may be taken against:

131 (a) Corporate income taxes under chapter 220.

132 (b) Insurance premium tax under s. 624.509.

133 (c) Taxes on sales, use, and other transactions under  
134 chapter 212.

135 (d) Intangible personal property taxes under chapter 199.

136 (e) Excise taxes on documents under chapter 201.

137 (f) Ad valorem taxes paid, as defined in s. 220.03(1).

138 (g) State communications services taxes administered under  
139 chapter 202. This paragraph does not apply to the gross receipts  
140 tax imposed under chapter 203 and administered under chapter 202  
141 or the local communications services tax authorized under s.  
142 202.19.

143 (3) (a) To become a certified business, an officer of an  
144 eligible business must file under oath with the Department of  
145 Economic Opportunity an application that includes:

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146 1. The name, address, and NAICS identifying code of the  
147 eligible business. As used in this subsection, "NAICS" means  
148 those classifications contained in the North American Industry  
149 Classification System, as published in 2007 by the Office of  
150 Management and Budget, Executive Office of the President.

151 2. Relevant employment information.

152 3. A sworn affidavit, signed by each employee for whom the  
153 eligible business is seeking credits under this section,  
154 attesting to his or her previous unemployment.

155 4. Verification that the wages paid by the eligible  
156 business to each of its qualified employees exceeds the wage  
157 eligibility levels for Medicaid and other public assistance  
158 programs.

159 5. Any other information necessary to process the  
160 application.

161 (b) The Department of Economic Opportunity shall process  
162 applications to certify a business in the order in which the  
163 applications are received, without regard as to whether the  
164 applicant is a new or an existing business. The department shall  
165 review and approve or deny an application within 10 days after  
166 receiving a completed application. The department shall notify  
167 the applicant in writing as to the department's decision.

168 (c)1. The department shall submit a copy of the letter of  
169 certification to the Department of Revenue within 10 days after  
170 the department issues the letter of certification to the  
171 applicant.

172 2. If the application of an eligible business is not  
173 sufficient to certify the applicant business, the department  
174 must deny the application and issue a notice of denial to the

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175 applicant.

176 3. If the application of an eligible business does not  
177 contain sufficient documentation of the number of qualified  
178 employees, the department shall approve the application with  
179 respect to the employees for whom the department determines are  
180 qualified employees. The department must deny the application  
181 with respect to persons for whom the department determines are  
182 not qualified employees or for whom insufficient documentation  
183 has been provided. A business may not submit a revised  
184 application for certification or for the determination of a  
185 person as a qualified employee more than 3 months after the  
186 issuance of a notice of denial with respect to the business or a  
187 particular person as a qualified employee.

188 (4) The applicant for a tax credit under this section has  
189 the responsibility to affirmatively demonstrate to the  
190 satisfaction of the department and the Department of Revenue  
191 that the applicant and the persons claimed as qualified  
192 employees meet the requirements of this section.

193 (5) The total amount of tax credits under this section  
194 which may be approved by the department for all applicants is \$5  
195 million per fiscal year.

196 (6) A tax credit amount that is granted under this section  
197 which is not fully used in the first year for which it becomes  
198 available may be carried forward to the subsequent taxable year.  
199 The carryover credit may be used in the subsequent year if the  
200 tax imposed by this chapter for such year exceeds the credit for  
201 such year under this section after applying the other credits  
202 and unused credit carryovers in the order provided in s.  
203 220.02(8).

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204       (7) A person who fraudulently claims a credit under this  
205 section is liable for repayment of the credit plus a mandatory  
206 penalty of 100 percent of the credit. Such person also commits a  
207 misdemeanor of the second degree, punishable as provided in s.  
208 775.082 or s. 775.083.

209       (8) The department may adopt rules governing the manner and  
210 form of applications for the tax credit. The department may  
211 establish guidelines for making an affirmative showing of  
212 qualification for the tax credit under this section.

213       (9) The Department of Revenue may adopt rules to administer  
214 this section, including rules relating to the creation of forms  
215 to claim a tax credit and examination and audit procedures  
216 required to administer this section.

217       (10) This section expires July 1, 2014. However, a taxpayer  
218 that is awarded a tax credit in the second year of the program  
219 may carry forward any unused credit amount to the subsequent tax  
220 reporting period. Rules adopted by the Department of Revenue to  
221 administer this section shall remain valid as long as a taxpayer  
222 may use a credit against its corporate income tax liability.

223       Section 2. Section 265.003, Florida Statutes, is amended to  
224 read:

225       265.003 Florida Veterans' Hall of Fame.—

226       (1) It is the intent of the Legislature to recognize and  
227 honor those military veterans who, through their works and lives  
228 during or after military service, have made a significant  
229 contribution to the State of Florida.

230       (2) There is established the Florida Veterans' Hall of  
231 Fame.

232       (a) The Florida Veterans' Hall of Fame is administered by



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233 the Florida Department of Veterans' Affairs without  
234 appropriation of state funds.

235 (b) The Department of Management Services shall set aside  
236 an area on the Plaza Level of the Capitol Building along the  
237 northeast front wall and shall consult with the Department of  
238 Veterans' Affairs regarding the design and theme of the area.

239 (c) Each person who is inducted into the Florida Veterans'  
240 Hall of Fame shall have his or her name placed on a plaque  
241 displayed in the designated area of the Capitol Building.

242 (3) (a) The Florida Veterans' Hall of Fame Council is  
243 created within the Department of Veterans' Affairs as an  
244 advisory council, as defined in s. 20.03(7), consisting of seven  
245 members who shall all be honorably discharged veterans, and at  
246 least four of whom must be members of a congressionally  
247 chartered veterans service organization. The Governor, the  
248 President of the Senate, the Speaker of the House of  
249 Representatives, the Attorney General, the Chief Financial  
250 Officer, the Commissioner of Agriculture, and the executive  
251 director of the Department of Veterans' Affairs shall each  
252 appoint one member. For the purposes of ensuring staggered  
253 terms, the council members appointed by the Governor, the  
254 Attorney General, the Chief Financial Officer, and the  
255 Commissioner of Agriculture shall be appointed to 4-year terms  
256 beginning on January 1 of the year of appointment, and the  
257 council members appointed by the President of the Senate, the  
258 Speaker of the House of Representatives, and the executive  
259 director of the Department of Veterans' Affairs shall be  
260 appointed to 2-year terms beginning on January 1 of the year of  
261 appointment. After the initial appointments, all appointees

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262 shall be appointed to 4-year terms. A member whose term expires  
263 shall continue to serve on the council until such time as a  
264 replacement is appointed.

265 (b) The members shall annually elect a chair from among  
266 their number. The council shall meet at the call of its chair,  
267 at the request of the executive director of the Department of  
268 Veterans' Affairs, or at such times as may be prescribed by the  
269 council. A majority of the members of the council currently  
270 appointed constitutes a quorum, and a meeting may not be held  
271 unless a quorum is present. The affirmative vote of a majority  
272 of the members of the council present is necessary for any  
273 official action by the council.

274 (c) Members of the council may not receive compensation or  
275 honorarium for their services, but members are entitled to  
276 reimbursement for travel expenses incurred in the performance of  
277 their duties as provided in s. 112.061.

278 (d) The original appointing authority may remove his or her  
279 appointee from the council for misconduct or malfeasance in  
280 office, neglect of duty, incompetence, or permanent inability to  
281 perform official duties or if the member is adjudicated guilty  
282 of a felony.

283 (4)-(3)(a) The Florida Veterans' Hall of Fame Council  
284 Department of Veterans' Affairs shall annually accept  
285 nominations of persons to be considered for induction into the  
286 Florida Veterans' Hall of Fame and shall ~~then~~ transmit a list of  
287 up to 20 nominees ~~its recommendations~~ to the Department of  
288 Veterans' Affairs for submission to the Governor and the Cabinet  
289 who will select four persons from the list of the nominees to be  
290 inducted.

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291 (b) In selecting its nominees for submission ~~making its~~  
292 ~~recommendations~~ to the Governor and the Cabinet, the Florida  
293 Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~  
294 shall give preference to veterans who were born in Florida or  
295 adopted Florida as their home state or base of operation and who  
296 have made a significant contribution to the state in civic,  
297 business, public service, or other pursuits.

298 ~~(5)-(4)~~ The Florida Veterans' Hall of Fame Council  
299 ~~Department of Veterans' Affairs~~ may establish criteria and set  
300 specific time periods for acceptance of nominations and for the  
301 process of selection of nominees for membership and establish a  
302 formal induction ceremony to coincide with the annual  
303 commemoration of Veterans' Day.

304 Section 3. Section 295.187, Florida Statutes, is amended to  
305 read:

306 295.187 Florida ~~Service-Disabled~~ Veteran Business  
307 Enterprise Opportunity Act.—

308 (1) SHORT TITLE.—This section may be cited as the "Florida  
309 ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

310 (2) INTENT.—It is the intent of the Legislature to rectify  
311 the economic disadvantage of service-disabled veterans, who are  
312 statistically the least likely to be self-employed when compared  
313 to the veteran population as a whole and who have made  
314 extraordinary sacrifices on behalf of the nation, the state, and  
315 the public, by providing opportunities for service-disabled  
316 veteran business enterprises as set forth in this section. The  
317 Legislature also intends to recognize wartime veterans and  
318 veterans of a period of war for their sacrifices as set forth in  
319 this section.

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320 (3) DEFINITIONS.—For the purpose of this section, the term:

321 (a) "Certified ~~service-disabled~~ veteran business  
322 enterprise" means a business that has been certified by the  
323 Department of Management Services to be a ~~service-disabled~~  
324 veteran business enterprise as defined in paragraph (c).

325 (b) "Service-disabled veteran" means a veteran who is a  
326 permanent Florida resident with a service-connected disability  
327 as determined by the United States Department of Veterans  
328 Affairs or who has been terminated from military service by  
329 reason of disability by the United States Department of Defense.

330 (c) "~~Service-disabled~~ Veteran business enterprise" means an  
331 independently owned and operated business that:

332 1. Employs 200 or fewer permanent full-time employees;

333 2. Together with its affiliates has a net worth of \$5  
334 million or less or, if a sole proprietorship, has a net worth of  
335 \$5 million or less including both personal and business  
336 investments;

337 3. Is organized to engage in commercial transactions;

338 4. Is domiciled in this state;

339 5. Is at least 51 percent owned by one or more wartime  
340 veterans or service-disabled veterans; and

341 6. The management and daily business operations of which  
342 are controlled by one or more wartime veterans or service-  
343 disabled veterans or, for a service-disabled veteran having with  
344 a permanent and total disability, by the spouse or permanent  
345 caregiver of the veteran.

346 (d) "Wartime veteran" means:

347 1. A veteran as defined in s. 1.01(14); or

348 2. A veteran of a period of war, as used in 38 U.S.C. s.

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349 1521, who served in the active military, naval, or air service:

350 a. For 90 days or more during a period of war;

351 b. During a period of war and was discharged or released  
352 from such service for a service-connected disability;

353 c. For a period of 90 consecutive days or more and such  
354 period began or ended during a period of war; or

355 d. For an aggregate of 90 days or more in two or more  
356 separate periods of service during more than one period of war.

357 (4) VENDOR PREFERENCE.—

358 (a) A state agency, when considering two or more bids,  
359 proposals, or replies for the procurement of commodities or  
360 contractual services, at least one of which is from a certified  
361 ~~service-disabled~~ veteran business enterprise, which that are  
362 equal with respect to all relevant considerations, including  
363 price, quality, and service, shall award such procurement or  
364 contract to the certified ~~service-disabled~~ veteran business  
365 enterprise.

366 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~  
367 veteran business enterprise entitled to the vendor preference  
368 under this section and one or more businesses entitled to this  
369 preference or another vendor preference provided by law submit  
370 bids, proposals, or replies for procurement of commodities or  
371 contractual services which that are equal with respect to all  
372 relevant considerations, including price, quality, and service,  
373 ~~then~~ the state agency shall award the procurement or contract to  
374 the business having the smallest net worth.

375 (c) Political subdivisions of the state are encouraged to  
376 offer a similar consideration to businesses certified under this  
377 section.

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378 (5) CERTIFICATION PROCEDURE.—

379 (a) The application for certification as a ~~service-disabled~~  
380 veteran business enterprise must, at a minimum, include:

381 1. The name of the business enterprise applying for  
382 certification and the name of the ~~service-disabled~~ veteran  
383 submitting the application on behalf of the business enterprise.

384 2. The names of all owners of the business enterprise,  
385 including owners who are wartime veterans, ~~service-disabled~~  
386 veterans, and owners who are not a wartime veteran or a service-  
387 disabled veteran ~~veterans~~, and the percentage of ownership  
388 interest held by each owner.

389 3. The names of all persons involved in both the management  
390 and daily operations of the business, including the spouse or  
391 permanent caregiver of a veteran who has ~~with~~ a permanent and  
392 total disability.

393 4. The service-connected disability rating of all persons  
394 listed under subparagraphs 1., 2., and 3., as applicable, with  
395 supporting documentation from the United States Department of  
396 Veterans Affairs or the United States Department of Defense.

397 5. Documentation of the wartime service of all persons  
398 listed under subparagraphs 1., 2., and 3., as applicable, from  
399 the United States Department of Veterans Affairs or the United  
400 States Department of Defense.

401 ~~6.5.~~ The number of permanent full-time employees.

402 ~~7.6.~~ The location of the business headquarters.

403 ~~8.7.~~ The total net worth of the business enterprise and its  
404 affiliates. In the case of a sole proprietorship, the net worth  
405 includes personal and business investments.

406 (b) To maintain certification, a ~~service-disabled~~ veteran

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407 business enterprise shall renew its certification biennially.

408 (c) ~~The provisions of~~ Chapter 120, relating to application,  
409 denial, and revocation procedures, applies ~~shall apply~~ to  
410 certifications under this section.

411 (d) A certified ~~service-disabled~~ veteran business  
412 enterprise must notify the Department of Management Services  
413 within 30 business days after any event that may significantly  
414 affect the certification of the business, including, but not  
415 limited to, a change in ownership or change in management and  
416 daily business operations.

417 (e) The certification of a ~~service-disabled~~ veteran  
418 business enterprise shall be revoked for 12 months if the  
419 Department of Management Services determines that the business  
420 enterprise violated paragraph (d). An owner of a certified  
421 ~~service-disabled~~ veteran business enterprise whose certification  
422 is revoked may ~~is~~ not ~~permitted to~~ reapply for certification  
423 under this section as an owner of any business enterprise during  
424 the 12-month revocation period.

425 1. During the 12-month revocation period, a ~~service-~~  
426 ~~disabled~~ veteran business enterprise whose certification has  
427 been revoked may bid on state contracts but is not eligible for  
428 any preference available under this section.

429 2. A ~~service-disabled~~ veteran business enterprise whose  
430 certification has been revoked may apply for certification at  
431 the conclusion of the 12-month revocation period by complying  
432 with requirements applicable to initial certifications.

433 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The  
434 department shall:

435 (a) Assist the Department of Management Services in

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436 establishing a certification procedure, which shall be reviewed  
437 biennially and updated as necessary.

438 (b) Identify eligible ~~service-disabled~~ veteran business  
439 enterprises by any electronic means, including electronic mail  
440 or Internet website, or by any other reasonable means.

441 (c) Encourage and assist eligible ~~service-disabled~~ veteran  
442 business enterprises to apply for certification under this  
443 section.

444 (d) Provide information regarding services that are  
445 available from the Office of Veterans' Business Outreach of the  
446 Florida Small Business Development Center to ~~service-disabled~~  
447 veteran business enterprises.

448 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The  
449 department shall:

450 (a) With assistance from the Department of Veterans'  
451 Affairs, establish a certification procedure, which shall be  
452 reviewed biennially and updated as necessary.

453 (b) Grant, deny, or revoke the certification of a ~~service-~~  
454 ~~disabled~~ veteran business enterprise under this section.

455 (c) Maintain an electronic directory of certified ~~service-~~  
456 ~~disabled~~ veteran business enterprises for use by the state,  
457 political subdivisions of the state, and the public.

458 (8) REPORT.—The Small Business Development Center shall  
459 include in its report required by s. 288.705 the percentage of  
460 certified ~~service-disabled~~ veteran business enterprises using  
461 the statewide contracts register.

462 (9) RULES.—The Department of Veterans' Affairs and the  
463 Department of Management Services, as appropriate, may adopt  
464 rules as necessary to administer this section.



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465 Section 4. Paragraph (aaaa) is added to subsection (4) of  
466 section 320.08056, Florida Statutes, to read:

467 320.08056 Specialty license plates.—

468 (4) The following license plate annual use fees shall be  
469 collected for the appropriate specialty license plates:

470 (aaaa) American Legion license plate, \$25.

471 Section 5. Subsection (79) is added to section 320.08058,  
472 Florida Statutes, to read:

473 320.08058 Specialty license plates.—

474 (79) AMERICAN LEGION LICENSE PLATES.—

475 (a) Upon American Legion, Department of Florida, meeting  
476 the requirements of s. 320.08053, the department shall develop a  
477 American Legion license plate as provided in this section. The  
478 plate must bear the colors and design approved by the department  
479 and must incorporate the American Legion emblem as adopted by  
480 the American Legion on June 9, 1919, and patented on December 9  
481 of that same year. The word "Florida" must appear at the top of  
482 the plate, and the words "American Legion" must appear at the  
483 bottom of the plate.

484 (b) The annual use fees shall be distributed to the  
485 American Legion, Department of Florida which shall retain the  
486 initial revenues from the sale of the plates until all startup  
487 costs incurred in the development and approval of the plates  
488 have been reimbursed. Thereafter, the proceeds shall be  
489 distributed as follows:

490 1. Sixty percent of the proceeds shall be distributed to  
491 the American Legion, Department of Florida:

492 a. To support Boys State in Florida, the Veteran Affairs  
493 and Rehabilitation program, and the Gilchrist Endowment Fund;

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494 and

495 b. For administration and marketing of the license plate,  
496 not to exceed 10 percent of the amount of the proceeds  
497 distributed to the American Legion, Department of Florida.

498 2. Twenty percent of the proceeds shall be distributed to  
499 the direct-support organization created under s. 292.055 under  
500 the Department of Veterans' Affairs.

501 3. Twenty percent of the proceeds shall be distributed to  
502 the direct-support organization created under s. 250.115 under  
503 the Department of Military Affairs.

504 Section 6. Effective October 1, 2012, section 320.089,  
505 Florida Statutes, is amended to read:

506 320.089 Members of National Guard and active United States  
507 Armed Forces reservists; former prisoners of war; survivors of  
508 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
509 Freedom and Operation Enduring Freedom Veterans; Combat Infantry  
510 Badge recipients; Vietnam War Veterans; Korean Conflict  
511 Veterans; special license plates; fee.-

512 (1) (a) Each owner or lessee of an automobile or truck for  
513 private use or recreational vehicle as specified in s.  
514 320.08(9)(c) or (d), which is not used for hire or commercial  
515 use, who is a resident of the state and an active or retired  
516 member of the Florida National Guard, a survivor of the attack  
517 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
518 active or retired member of any branch of the United States  
519 Armed Forces Reserve, or a recipient of the Combat Infantry  
520 Badge shall, upon application to the department, accompanied by  
521 proof of active membership or retired status in the Florida  
522 National Guard, proof of membership in the Pearl Harbor

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523 Survivors Association or proof of active military duty in Pearl  
524 Harbor on December 7, 1941, proof of being a Purple Heart medal  
525 recipient, ~~or~~ proof of active or retired membership in any  
526 branch of the Armed Forces Reserve, or proof of membership in  
527 the Combat Infantrymen's Association, Inc., or other proof of  
528 being a recipient of the Combat Infantry Badge, and upon payment  
529 of the license tax for the vehicle as provided in s. 320.08, be  
530 issued a license plate as provided by s. 320.06, upon which, in  
531 lieu of the serial numbers prescribed by s. 320.06, shall be  
532 stamped the words "National Guard," "Pearl Harbor Survivor,"  
533 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
534 Badge," as appropriate, followed by the serial number of the  
535 license plate. Additionally, the Purple Heart plate may have the  
536 words "Purple Heart" stamped on the plate and the likeness of  
537 the Purple Heart medal appearing on the plate.

538 (b) Notwithstanding any other provision of law to the  
539 contrary, beginning with fiscal year 2002-2003 and annually  
540 thereafter, the first \$100,000 in general revenue generated from  
541 the sale of license plates issued under this section shall be  
542 deposited into the Grants and Donations Trust Fund, as described  
543 in s. 296.38(2), to be used for the purposes established by law  
544 for that trust fund. Any additional general revenue generated  
545 from the sale of such plates shall be deposited into the State  
546 Homes for Veterans Trust Fund and used solely to construct,  
547 operate, and maintain domiciliary and nursing homes for  
548 veterans, subject to the requirements of chapter 216.

549 (c) Notwithstanding any provisions of law to the contrary,  
550 an applicant for a Pearl Harbor Survivor license plate or a  
551 Purple Heart license plate who also qualifies for a disabled

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552 veteran's license plate under s. 320.084 shall be issued the  
553 appropriate special license plate without payment of the license  
554 tax imposed by s. 320.08.

555 (2) Each owner or lessee of an automobile or truck for  
556 private use, truck weighing not more than 7,999 pounds, or  
557 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
558 which is not used for hire or commercial use, who is a resident  
559 of the state and who is a former prisoner of war, or their  
560 unremarried surviving spouse, shall, upon application therefor  
561 to the department, be issued a license plate as provided in s.  
562 320.06, on which license plate are stamped the words "Ex-POW"  
563 followed by the serial number. Each application shall be  
564 accompanied by proof that the applicant meets the qualifications  
565 specified in paragraph (a) or paragraph (b).

566 (a) A citizen of the United States who served as a member  
567 of the Armed Forces of the United States or the armed forces of  
568 a nation allied with the United States who was held as a  
569 prisoner of war at such time as the Armed Forces of the United  
570 States were engaged in combat, or their unremarried surviving  
571 spouse, may be issued the special license plate provided for in  
572 this subsection without payment of the license tax imposed by s.  
573 320.08.

574 (b) A person who was serving as a civilian with the consent  
575 of the United States Government, or a person who was a member of  
576 the Armed Forces of the United States who was not a United  
577 States citizen and was held as a prisoner of war when the Armed  
578 Forces of the United States were engaged in combat, or their  
579 unremarried surviving spouse, may be issued the special license  
580 plate provided for in this subsection upon payment of the

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581 license tax imposed by s. 320.08.

582 (3) Each owner or lessee of an automobile or truck for  
583 private use, truck weighing not more than 7,999 pounds, or  
584 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
585 which is not used for hire or commercial use, who is a resident  
586 of this state and who is the unremarried surviving spouse of a  
587 recipient of the Purple Heart medal shall, upon application  
588 therefor to the department, with the payment of the required  
589 fees, be issued a license plate as provided in s. 320.06, on  
590 which license plate are stamped the words "Purple Heart" and the  
591 likeness of the Purple Heart medal followed by the serial  
592 number. Each application shall be accompanied by proof that the  
593 applicant is the unremarried surviving spouse of a recipient of  
594 the Purple Heart medal.

595 (4) The owner or lessee of an automobile or truck for  
596 private use, a truck weighing not more than 7,999 pounds, or a  
597 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
598 which automobile, truck, or recreational vehicle is not used for  
599 hire or commercial use who is a resident of the state and a  
600 current or former member of the United States military who was  
601 deployed and served in Iraq during Operation Iraqi Freedom or in  
602 Afghanistan during Operation Enduring Freedom shall, upon  
603 application to the department, accompanied by proof of active  
604 membership or former active duty status during one of these  
605 operations, and upon payment of the license tax for the vehicle  
606 as provided in s. 320.08, be issued a license plate as provided  
607 by s. 320.06 upon which, in lieu of the registration license  
608 number prescribed by s. 320.06, shall be stamped the words  
609 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as

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610 appropriate, followed by the registration license number of the  
611 plate.

612 (5) The owner or lessee of an automobile or truck for  
613 private use, a truck weighing not more than 7,999 pounds, or a  
614 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
615 which automobile, truck, or recreational vehicle is not used for  
616 hire or commercial use, who is a resident of the state and a  
617 current or former member of the United States military, and who  
618 was deployed and served in Vietnam during United States military  
619 deployment in Indochina shall, upon application to the  
620 department, accompanied by proof of active membership or former  
621 active duty status during these operations, and upon payment of  
622 the license tax for the vehicle as provided in s. 320.08, be  
623 issued a license plate as provided by s. 320.06 upon which, in  
624 lieu of the registration license number prescribed by s. 320.06,  
625 shall be stamped the words "Vietnam War Veteran," followed by  
626 the registration license number of the plate.

627 (6) The owner or lessee of an automobile or truck for  
628 private use, a truck weighing not more than 7,999 pounds, or a  
629 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
630 which automobile, truck, or recreational vehicle is not used for  
631 hire or commercial use, who is a resident of the state and a  
632 current or former member of the United States military, and who  
633 was deployed and served in Korea during United States military  
634 deployment in Korea shall, upon application to the department,  
635 accompanied by proof of active membership or former active duty  
636 status during these operations, and upon payment of the license  
637 tax for the vehicle as provided in s. 320.08, be issued a  
638 license plate as provided by s. 320.06 upon which, in lieu of

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639 the registration license number prescribed by s. 320.06, shall  
640 be stamped the words "Korean Conflict Veteran," followed by the  
641 registration license number of the plate.

642 Section 7. Section 320.0892, Florida Statutes is created to  
643 read:

644 320.0892 Motor vehicle license plates for recipients of the  
645 Silver Star, Distinguished Service Cross, Navy Cross, or Air  
646 Force Cross.—Upon receipt of an application and proof that the  
647 applicant meets the qualifications listed in this section for  
648 the applicable license plate, the department shall issue the  
649 license plate without payment of the license tax imposed under  
650 s. 320.08:

651 (1) SILVER STAR.—Any United States citizen who is a  
652 resident of this state and who was awarded the Silver Star while  
653 serving as a member of the United States Armed Forces shall be  
654 issued a license plate on which is stamped the words "Silver  
655 Star" followed by the serial number.

656 (2) DISTINGUISHED SERVICE CROSS.—Any United States citizen  
657 who is a resident of this state and who was awarded the  
658 Distinguished Service Cross while serving as a member of the  
659 United States Armed Forces shall be issued a license plate on  
660 which is stamped the words "Distinguished Service Cross"  
661 followed by the serial number.

662 (3) NAVY CROSS.—Any United States citizen who is a resident  
663 of this state and who was awarded the Navy Cross while serving  
664 as a member of the United States Armed Forces shall be issued a  
665 license plate on which is stamped the words "Navy Cross"  
666 followed by the serial number.

667 (4) AIR FORCE CROSS.—Any United States citizen who is a

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668 resident of this state and who was awarded the Air Force Cross  
669 while serving as a member of the United States Armed Forces  
670 shall be issued a license plate on which is stamped the words  
671 "Air Force Cross" followed by the serial number.

672 Section 8. Section 683.146, Florida Statutes, is created to  
673 read:

674 683.146 Purple Heart Day.—

675 (1) August 7 of each year is designated as "Purple Heart  
676 Day."

677 (2) The Governor may annually issue a proclamation  
678 designating August 7 as "Purple Heart Day." Public officials,  
679 schools, private organizations, and all residents of the state  
680 are encouraged to commemorate Purple Heart Day and honor those  
681 wounded or killed while serving in any branch of the United  
682 States Armed Services.

683 Section 9. Sections 10 through 13 of this act may be cited  
684 as the "T. Patt Maney Veterans' Treatment Intervention Act."

685 Section 10. Military veterans and servicemembers court  
686 program.—The chief judge of each judicial circuit may establish  
687 a military veterans and servicemembers court program under which  
688 veterans, as defined in s. 1.01, Florida Statutes, and  
689 servicemembers, as defined in s. 250.01, Florida Statutes, who  
690 are convicted of or charged with a criminal offense and who  
691 suffer from a mental illness, traumatic brain injury, substance  
692 use disorder, or psychological problem as a result of their  
693 military service are eligible to participate. Upon a conviction,  
694 an eligible military veteran or servicemember may be sentenced  
695 in such a manner as to appropriately address the severity of the  
696 mental illness, traumatic brain injury, substance use disorder,



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697 or psychological problem through services tailored to the  
698 individual needs of the participant. Entry into any military  
699 veterans and servicemembers court program must be based upon the  
700 sentencing court's assessment of the defendant's criminal  
701 history, military service, need for substance use treatment,  
702 need for mental health treatment, amenability to the services of  
703 the program, the advisory recommendation of the state attorney  
704 and the victim, if any, and the defendant's agreement to enter  
705 the program.

706 Section 11. Present subsection (7) of section 948.08,  
707 Florida Statutes, is renumbered as subsection (8), and a new  
708 subsection (7) is added to that section, to read:

709 948.08 Pretrial intervention program.—

710 (7) (a) Notwithstanding any provision of this section, a  
711 person who is charged with a felony, other than a felony listed  
712 in s. 948.06(8)(c), and identified as a servicemember, as  
713 defined in s. 250.01, or veteran, as defined in s. 1.01, who  
714 suffers from a military service-related mental illness,  
715 traumatic brain injury, substance use disorder, or psychological  
716 problem, is eligible for voluntary admission into a pretrial  
717 veterans' treatment intervention program approved by the chief  
718 judge of the circuit, upon motion of either party or the court's  
719 own motion, except:

720 1. If a defendant was previously offered admission to a  
721 pretrial veterans' treatment intervention program at any time  
722 before trial and the defendant rejected that offer on the  
723 record, the court may deny the defendant's admission to such a  
724 program.

725 2. If a defendant previously entered a court-ordered

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726 veterans' treatment program, the court may deny the defendant's  
727 admission into the pretrial veterans' treatment program.

728 (b) While enrolled in a pretrial intervention program  
729 authorized by this subsection, the participant shall be subject  
730 to a coordinated strategy developed by a veterans' treatment  
731 intervention team. The coordinated strategy should be modeled  
732 after the therapeutic jurisprudence principles and key  
733 components in s. 397.334(4), with treatment specific to the  
734 needs of servicemembers and veterans. The coordinated strategy  
735 may include a protocol of sanctions that may be imposed upon the  
736 participant for noncompliance with program rules. The protocol  
737 of sanctions may include, but need not be limited to, placement  
738 in a treatment program offered by a licensed service provider or  
739 in a jail-based treatment program or serving a period of  
740 incarceration within the time limits established for contempt of  
741 court. The coordinated strategy must be provided in writing to  
742 the participant before the participant agrees to enter into a  
743 pretrial veterans' treatment intervention program or other  
744 pretrial intervention program. Any person whose charges are  
745 dismissed after successful completion of the pretrial veterans'  
746 treatment intervention program, if otherwise eligible, may have  
747 his or her arrest record to the dismissed charges expunged under  
748 s. 943.0585.

749 (c) At the end of the pretrial intervention period, the  
750 court shall consider the recommendation of the treatment program  
751 and the recommendation of the state attorney as to disposition  
752 of the pending charges. The court shall determine, by written  
753 finding, whether the defendant has successfully completed the  
754 pretrial intervention program. If the court finds that the

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755 defendant has not successfully completed the pretrial  
756 intervention program, the court may order the person to continue  
757 in education and treatment, which may include treatment programs  
758 offered by licensed service providers or jail-based treatment  
759 programs, or order that the charges revert to normal channels  
760 for prosecution. The court shall dismiss the charges upon a  
761 finding that the defendant has successfully completed the  
762 pretrial intervention program.

763 Section 12. Section 948.16, Florida Statutes, is amended to  
764 read:

765 948.16 Misdemeanor pretrial substance abuse education and  
766 treatment intervention program; misdemeanor pretrial veterans'  
767 treatment intervention program.—

768 (1) (a) A person who is charged with a misdemeanor for  
769 possession of a controlled substance or drug paraphernalia under  
770 chapter 893, and who has not previously been convicted of a  
771 felony nor been admitted to a pretrial program, is eligible for  
772 voluntary admission into a misdemeanor pretrial substance abuse  
773 education and treatment intervention program, including a  
774 treatment-based drug court program established pursuant to s.  
775 397.334, approved by the chief judge of the circuit, for a  
776 period based on the program requirements and the treatment plan  
777 for the offender, upon motion of either party or the court's own  
778 motion, except, if the state attorney believes the facts and  
779 circumstances of the case suggest the defendant is involved in  
780 dealing and selling controlled substances, the court shall hold  
781 a preadmission hearing. If the state attorney establishes, by a  
782 preponderance of the evidence at such hearing, that the  
783 defendant was involved in dealing or selling controlled

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784 substances, the court shall deny the defendant's admission into  
785 the pretrial intervention program.

786 (b) While enrolled in a pretrial intervention program  
787 authorized by this section, the participant is subject to a  
788 coordinated strategy developed by a drug court team under s.  
789 397.334(4). The coordinated strategy may include a protocol of  
790 sanctions that may be imposed upon the participant for  
791 noncompliance with program rules. The protocol of sanctions may  
792 include, but is not limited to, placement in a substance abuse  
793 treatment program offered by a licensed service provider as  
794 defined in s. 397.311 or in a jail-based treatment program or  
795 serving a period of incarceration within the time limits  
796 established for contempt of court. The coordinated strategy must  
797 be provided in writing to the participant before the participant  
798 agrees to enter into a pretrial treatment-based drug court  
799 program or other pretrial intervention program. Any person whose  
800 charges are dismissed after successful completion of the  
801 treatment-based drug court program, if otherwise eligible, may  
802 have his or her arrest record and plea of nolo contendere to the  
803 dismissed charges expunged under s. 943.0585.

804 (2) (a) A servicemember, as defined in s. 250.01, or  
805 veteran, as defined in s. 1.01, who suffers from a military  
806 service-related mental illness, traumatic brain injury,  
807 substance use disorder, or psychological problem, and who is  
808 charged with a misdemeanor is eligible for voluntary admission  
809 into a misdemeanor pretrial veterans' treatment intervention  
810 program approved by the chief judge of the circuit, for a period  
811 based on the program's requirements and the treatment plan for  
812 the offender, upon motion of either party or the court's own

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813 motion. However, the court may deny the defendant admission into  
814 a misdemeanor pretrial veterans' treatment intervention program  
815 if the defendant has previously entered a court-ordered  
816 veterans' treatment program.

817 (b) While enrolled in a pretrial intervention program  
818 authorized by this section, the participant shall be subject to  
819 a coordinated strategy developed by a veterans' treatment  
820 intervention team. The coordinated strategy should be modeled  
821 after the therapeutic jurisprudence principles and key  
822 components in s. 397.334(4), with treatment specific to the  
823 needs of servicemembers and veterans. The coordinated strategy  
824 may include a protocol of sanctions that may be imposed upon the  
825 participant for noncompliance with program rules. The protocol  
826 of sanctions may include, but need not be limited to, placement  
827 in a treatment program offered by a licensed service provider or  
828 in a jail-based treatment program or serving a period of  
829 incarceration within the time limits established for contempt of  
830 court. The coordinated strategy must be provided in writing to  
831 the participant before the participant agrees to enter into a  
832 misdemeanor pretrial veterans' treatment intervention program or  
833 other pretrial intervention program. Any person whose charges  
834 are dismissed after successful completion of the misdemeanor  
835 pretrial veterans' treatment intervention program, if otherwise  
836 eligible, may have his or her arrest record to the dismissed  
837 charges expunged under s. 943.0585.

838 (3)~~(2)~~ At the end of the pretrial intervention period, the  
839 court shall consider the recommendation of the treatment program  
840 and the recommendation of the state attorney as to disposition  
841 of the pending charges. The court shall determine, by written

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842 finding, whether the defendant successfully completed the  
843 pretrial intervention program. Notwithstanding the coordinated  
844 strategy developed by a drug court team pursuant to s.  
845 397.334(4) or by the veterans' treatment intervention team, if  
846 the court finds that the defendant has not successfully  
847 completed the pretrial intervention program, the court may order  
848 the person to continue in education and treatment or return the  
849 charges to the criminal docket for prosecution. The court shall  
850 dismiss the charges upon finding that the defendant has  
851 successfully completed the pretrial intervention program.

852 (4)~~(3)~~ Any public or private entity providing a pretrial  
853 substance abuse education and treatment program under this  
854 section shall contract with the county or appropriate  
855 governmental entity. The terms of the contract shall include,  
856 but not be limited to, the requirements established for private  
857 entities under s. 948.15(3). This requirement does not apply to  
858 services provided by the Department of Veterans' Affairs or the  
859 United States Department of Veterans Affairs.

860 Section 13. Section 948.21, Florida Statutes, is created to  
861 read:

862 948.21 Condition of probation or community control;  
863 military servicemembers and veterans.—Effective for a  
864 probationer or community controllee whose crime was committed on  
865 or after July 1, 2012, and who is a servicemember, as defined in  
866 s. 250.01, or veteran, as defined in s. 1.01, who suffers from a  
867 military service-related mental illness, traumatic brain injury,  
868 substance use disorder, or psychological problem, the court may,  
869 in addition to any other conditions imposed, impose a condition  
870 requiring the probationer or community controllee to participate

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871 in a treatment program capable of treating the probationer or  
872 community controllee's mental illness, traumatic brain injury,  
873 substance use disorder, or psychological problem. The court  
874 shall give preference to treatment programs for which the  
875 probationer or community controllee is eligible through the  
876 Department of Veterans' Affairs or the United States Department  
877 of Veterans' Affairs.

878 Section 14. Subsection (1) of section 1003.05, Florida  
879 Statutes, is amended to read:

880 1003.05 Assistance to transitioning students from military  
881 families.—

882 (1) The Legislature finds that school-aged dependents of  
883 military personnel, otherwise known as military students, are  
884 faced with numerous transitions during their formative years and  
885 that moves during the high school years provide special  
886 challenges to learning and future achievement.

887 (a) Recognizing the challenges faced by military students  
888 and the importance of military families to our community and  
889 economy, the Department of Education shall assist the transition  
890 of these students by improving the timely transfer of records,  
891 developing systems to ease student transition during the first 2  
892 weeks of enrollment, promoting practices which foster access to  
893 extracurricular programs, establishing procedures to lessen the  
894 adverse impact of moves from the end of the junior year as well  
895 as before and during the senior year, encouraging or continuing  
896 partnerships between the military base and the school system,  
897 providing services for transitioning students when applying to  
898 and finding funding for postsecondary study, and providing other  
899 assistance as identified by department, school, and military

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900 personnel.

901 (b) If a local school board adjusts school zones within its  
902 boundaries, military students shall be given the option of  
903 remaining at the school they are currently attending or may  
904 attend the school assigned as a result of the rezoning.

905 Section 15. Section 1004.075, Florida Statutes, is created  
906 to read:

907 1004.075 Priority course registration for veterans.—Each  
908 Florida College System institution and state university that  
909 offers priority course registration for a segment of the student  
910 population, or upon implementation of priority course  
911 registration for a segment of the student population, shall  
912 provide priority course registration for each veteran of the  
913 United States Armed Forces. Priority registration shall be given  
914 to the spouse or a dependent child of the veteran to whom GI  
915 Bill educational benefits have been transferred. Each eligible  
916 veteran shall be granted priority for course registration for  
917 the duration of his or her attendance at a Florida College  
918 System institution and state university if priority registration  
919 is offered. A spouse or dependent child shall also be granted  
920 priority for registration until the expiration of the GI Bill  
921 educational benefits.

922 Section 16. Section 1005.09, Florida Statutes, is created  
923 to read:

924 1005.09 Priority course registration for veterans.—Each  
925 independent postsecondary educational institution that is under  
926 the jurisdiction of the commission or is exempt from the  
927 jurisdiction of the commission and that offers priority course  
928 registration for a segment of the student population, or upon



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929 implementation of priority course registration for a segment of  
930 the student population, is encouraged to provide priority course  
931 registration for each veteran of the United States Armed Forces,  
932 or his or her spouse or dependent children, who is receiving GI  
933 Bill educational benefits, in accordance with s. 1004.075.

934 Section 17. Present paragraphs (c) through (k) of  
935 subsection (10) of section 1009.21, Florida Statutes, are  
936 redesignated as paragraphs (d) through (l), respectively, and a  
937 new paragraph (c) is added to that subsection, to read:

938 1009.21 Determination of resident status for tuition  
939 purposes.—Students shall be classified as residents or  
940 nonresidents for the purpose of assessing tuition in  
941 postsecondary educational programs offered by charter technical  
942 career centers or career centers operated by school districts,  
943 in Florida College System institutions, and in state  
944 universities.

945 (10) The following persons shall be classified as residents  
946 for tuition purposes:

947 (c) Veterans of the Armed Services of the United States,  
948 including reserve components thereof, who attend the physical  
949 location of a public college, university, or institution of  
950 higher learning within the state.

951 Section 18. Except as otherwise expressly provided in this  
952 act, this act shall take effect July 1, 2012.