

By Representatives Wiles, Ball, Maygarden, Fuller, K. Smith, L. Miller, Pruitt, Arnall, Crady, Stansel, Boyd, Reddick, Starks, Bainter, Trovillion, Healey, Turnbull, Hill, Wise, Ritchie, Henriquez, Gottlieb, Melvin, Morroni, Ogles, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled  
2 An act relating to veterans' affairs; creating  
3 the Florida State Veterans Cemetery Act;  
4 providing a short title; providing definitions;  
5 providing for creation of the Florida State  
6 Veterans Cemetery System; providing for  
7 administration of the system by the Department  
8 of Veterans' Affairs; providing specified  
9 powers of the department; creating a site  
10 selection commission; providing for membership  
11 of the commission; providing site selection  
12 criteria; providing for application for federal  
13 assistance; providing for funding of the  
14 Florida State Veterans Cemetery System;  
15 providing a contingent effective date.

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

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19 Section 1. (1) Short title.--This act shall be known  
20 as the "Florida State Veterans Cemetery System Act."

21 (2) Definitions.--As used in this section, the  
22 following terms shall have the following meanings:

23 (a) "Cemetery system" or "system" means the Florida  
24 State Veterans Cemetery System created by this act.

25 (b) "Department" means the Department of Veterans'  
26 Affairs.

27 (c) "Eligible veteran" includes any veteran or spouse  
28 of a veteran eligible to be buried in a national cemetery,  
29 according to 38 U.S.C. 2402.

30 (3) Florida State Veterans Cemetery System; creation;  
31 administration.--The Florida State Veterans Cemetery System is

1 created within the Department of Veterans' Affairs. The  
2 department shall administer the Florida State Veterans  
3 Cemetery System created by this act. The department shall  
4 adopt rules consistent with the Administrative Procedure Act  
5 for purposes of administering the cemetery system. The  
6 department is authorized and empowered to make and enter into  
7 any contract or agreement, with any person or agency, public  
8 or private, to lease, buy, acquire, construct, hold or dispose  
9 of real and personal property necessary to carry out the  
10 objects and purposes of this act; however, no contract may be  
11 entered into without specific authorization of the Legislature  
12 for the project. Lands shall be acquired by the department in  
13 accordance with acquisition procedures for state lands  
14 provided for in s. 253.025, Florida Statutes. The department  
15 shall be responsible for any consultations, surveys, and tests  
16 required by the State Cemetery Grant Service of the United  
17 States Department of Veterans Affairs.

18 (4) Site Selection Commission.--

19 (a) Upon the request of the Executive Director of the  
20 Department of Veterans' Affairs, a site selection commission  
21 shall be convened for the purpose of recommending sites for  
22 national or state cemeteries. The selection commission shall  
23 consist of eleven members, comprised of the following:

24 1. The executive director of the department, or his or  
25 her designee.

26 2. One member selected by the Florida Veterans of  
27 Foreign Wars.

28 3. One member selected by the Florida Chapter of the  
29 Disabled Veterans of America.

30 4. One member selected by the Florida Chapter of the  
31 Retired Officers Association.

1           5. The Adjutant General of the Florida National Guard,  
2 or his or her designee.

3           6. One member selected by the President of the Senate.

4           7. One member selected by the Speaker of the House of  
5 Representatives.

6           8. The Director of the Division of State Lands of the  
7 Department of Environmental Protection, or his or her  
8 designee.

9           9. Two members selected by the Governor.

10           10. One additional member, selected by the department,  
11 who will serve as chair of the commission.

12           (b) Members of the commission shall serve without  
13 compensation but shall be entitled to receive reimbursement  
14 for per diem and travel expenses as provided in s. 112.061.

15           (c) The site selection commission shall be charged  
16 with the selection of sites for state veterans cemeteries  
17 within the system. Site selection shall be based on the  
18 following criteria:

19           1. Proximity to current active national or state  
20 veterans cemeteries, if any.

21           2. The number of eligible veterans in proximity of a  
22 proposed site.

23           3. The availability of state-owned land or land  
24 donated to the state.

25           4. The elevation of a proposed site.

26           (d) Once a site or sites have been selected by the  
27 commission, the commission shall be abolished.

28           (e) The department shall not convene a site selection  
29 commission for the purposes of designating sites for a state  
30 veterans cemetery, pursuant to the State Cemetery Grant  
31 Service, until such time as the site selection committee has

1 selected a site for one additional national veterans cemetery  
2 and the additional national veterans cemetery has been  
3 completed.  
4 (5) Application for federal assistance.--  
5 (a) Once a site or sites have been selected, the  
6 department shall submit an application for federal assistance  
7 and any other applicable attachments to the State Cemetery  
8 Grant Service of the United States Department of Veterans  
9 Affairs.  
10 (b) The department shall perform all consultations,  
11 surveys, and tests needed to prepare the attachments required  
12 by the State Cemetery Grant Service of the United States  
13 Department of Veterans Affairs, which may include:  
14 1. Environmental assessments.  
15 2. Development of site and design concepts.  
16 3. Consultation with the Division of Historical  
17 Resources of the Department of State as the state agency in  
18 charge of historic preservation.  
19 4. Needs assessments and site descriptions.  
20 5. Any other plans or assurances required by the State  
21 Cemetery Grant Service of the United States Department of  
22 Veterans Affairs.  
23 (6) Florida State Veterans Cemetery Trust Fund.--The  
24 Florida State Veterans Cemetery Trust Fund, if created by law,  
25 within the Department of Veterans' Affairs, shall receive  
26 funds appropriated by the Legislature and contributions from  
27 private entities or individuals for the purpose of planning,  
28 construction, operation, and maintenance of the Florida State  
29 Veterans Cemetery System. The Department of Veterans' Affairs  
30 shall be empowered to receive and accept gifts, grants, and  
31 endowments in the name of the system, which gifts, grants, and

1 endowments are to be used for the benefit of the system. No  
2 funds shall be appropriated by the Legislature to the Florida  
3 State Veterans Cemetery System Trust Fund until the United  
4 States Department of Veterans Affairs appropriates funding for  
5 an additional national cemetery. Moneys in the fund which are  
6 not needed currently to meet the obligations of the department  
7 in the exercise of its responsibilities under this section  
8 shall be deposited with the Treasurer to the credit of the  
9 fund and may be invested in such manner as is provided for by  
10 statute. Any balance in the trust fund at the end of any  
11 fiscal year shall not revert to the General Revenue Fund, but  
12 shall remain in the trust fund and shall be available for  
13 carrying out the purposes of this act.

14 Section 2. This act shall take effect July 1, 1999, if  
15 HB \_\_\_\_ or similar legislation is adopted in the same  
16 legislative session or an extension thereof.

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19 HOUSE SUMMARY

20 Creates the Florida State Veterans Cemetery Act. Defines  
21 terms for purposes of the act. Creates and provides for  
22 the administration of the Florida State Veterans Cemetery  
23 System. Creates a site selection commission and provides  
24 for membership of the commission. Provides site  
25 selection criteria. Provides for application for federal  
26 assistance. Provides for funding of the Florida State  
27 Veterans Cemetery System.

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29 ADDITIONAL SPONSORS

30 Heyman, Hafner, Patterson, Hart, Murman, Argenziano, Peaden  
31 and Futch