

By Senator King

8-1839-99

See HB

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.

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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 section 253.025, Florida Statutes. The  
15 department shall be responsible for any consultations,  
16 surveys, and tests required by the State Cemetery Grant  
17 Service of the United States Department of Veterans Affairs.

18 (4) Site Selection Commission.--

19 (a) Upon the request of the department, a site  
20 selection commission shall be convened. The selection  
21 commission shall consist of nine members, comprised of the  
22 following:

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

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

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

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

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

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

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           (5) Application for federal assistance.--

29           (a) Once a site or sites have been selected, the  
30 department shall submit an application for federal assistance  
31 and any other applicable attachments to the State Cemetery

1 Grant Service of the United States Department of Veterans  
2 Affairs.  
3 (b) The department shall perform all consultations,  
4 surveys, and tests needed to prepare the attachments required  
5 by the State Cemetery Grant Service of the United States  
6 Department of Veterans Affairs, which may include:  
7 1. Environmental assessments.  
8 2. Development of site and design concepts.  
9 3. Consultation with the Division of Historical  
10 Resources of the Department of State as the state agency in  
11 charge of historic preservation.  
12 4. Needs assessments and site descriptions.  
13 5. Any other plans or assurances required by the State  
14 Cemetery Grant Service of the United States Department of  
15 Veterans Affairs.  
16 (6) Florida State Veterans Cemetery Trust Fund.--The  
17 Florida State Veterans Cemetery Trust Fund, if created by law,  
18 within the Department of Veterans' Affairs, shall receive  
19 funds appropriated by the Legislature and contributions from  
20 private entities or individuals for the purpose of planning,  
21 construction, operation, and maintenance of the Florida State  
22 Veterans Cemetery System. The Department of Veterans' Affairs  
23 shall be empowered to receive and accept gifts, grants, and  
24 endowments in the name of the system, which gifts, grants, and  
25 endowments are to be used for the benefit of the system.  
26 Moneys in the fund which are not needed currently to meet the  
27 obligations of the department in the exercise of its  
28 responsibilities under this section shall be deposited with  
29 the Treasurer to the credit of the fund and may be invested in  
30 such manner as is provided for by statute. Any balance in the  
31 trust fund at the end of any fiscal year shall not revert to

1 the General Revenue Fund, but shall remain in the trust fund  
2 and shall be available for carrying out the purposes of this  
3 act.

4 Section 2. This act shall take effect July 1, 1999, if  
5 SB \_\_\_\_ or similar legislation is adopted in the same  
6 legislative session or an extension thereof.

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9 LEGISLATIVE SUMMARY

10 Creates the Florida State Veterans Cemetery Act. Defines  
11 terms for purposes of the act. Creates and provides for  
12 the administration of the Florida State Veterans Cemetery  
13 System. Creates a site selection commission and provides  
14 for membership of the commission. Provides site  
15 selection criteria. Provides for application for federal  
16 assistance. Provides for funding of the Florida State  
17 Veterans Cemetery System.

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