

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2378

SPONSOR: Military and Veterans' Affairs, Base Protection, and Spaceports Committee and Senator Fasano

SUBJECT: Veterans' affairs

DATE: March 31, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Krasovsky	MS	Favorable/CS
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This CS amends various provisions of law relating to veterans. The CS clarifies who qualifies as a wartime veteran for purposes of Florida's veteran's preference for state or local government employment. The CS permits the Department of Veterans' Affairs to continue to accept public as well as private donations for the Florida World War II Veterans Memorial. The CS also authorizes the automatic adjustment in contributions to support a resident of the Florida Veterans' Domiciliary Home whenever there is an increase in benefits payable under Title II of the Social Security Act.

The CS substantially amends the following sections of the Florida Statutes: 1.01; 295.07; 295.182; and 296.10.

II. Present Situation:

Section 1.01(14), F.S., defines the term "veteran." It also sets parameters for who qualifies as a wartime veteran during seven enumerated periods.¹ Each war lists a time period for which the period begins and ends, except for the Persian Gulf War which period runs from "August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law."

Section 295.07, F.S., provides that the state and its political subdivisions must give preference in appointment and retention in positions of employment to certain disabled veterans, certain spouses of disabled veterans, veterans of specified wars, and un-remarried widows or widowers of veterans who died of a service-connected disability.

¹ Those events include: Spanish-American War; Mexican Border Period; World War I; World War II; Korean Conflict; Vietnam Era; Persian Gulf War (s. 1.01(14), F.S.).

Section 295.182, F.S., was enacted in 1999, creating the “Florida World War II Veterans Memorial Act.” This section provides for the construction of a memorial to honor the residents of Florida who served in the Armed Forces of the United States during World War II. The 1999 law required construction to begin by June 30, 2005, if sufficient funds were raised. The law initially only permitted the “the Department of Veterans’ Affairs [to] receive private contributions and matching state funds specifically appropriated by the Legislature for the purpose of matching private donations” to go into a Florida World War II Veterans Memorial Matching Trust Fund.

In 2002, the Legislature added provisional language in the appropriations bill which permitted the Department of Veterans’ Affairs to receive contributions from public bodies for the 2002-03 fiscal year only.

Part I of ch. 296, F.S., establishes the “Veterans’ Domiciliary Home of Florida Act.” The Domiciliary, located in Lake City, Florida, is an assisted living facility for Florida’s veterans. Section 296.10, F.S., currently provides each resident “who receives a pension, compensation, or gratuity from the United States Government, or income from any other source of more than \$100 per month shall contribute to his or her maintenance and support while a resident of the home”. Currently, residents are entitled retain \$100 per month to cover incidental expenses such as snacks, entertainment, etc.

III. Effect of Proposed Changes:

The CS amends s. 1.01, F.S., to revise the definition of “veteran” for purposes of receiving benefits as a wartime veteran. Specifically, the CS clarifies that to qualify as a wartime veteran, the service member must have served in the military during a time in which a campaign badge was authorized. This will provide for veterans’ preference for active duty personnel who served in hostile campaigns, expeditions, or operations other than those war time periods specifically identified in s. 1.01(14), F.S.

Federal law provides for an ending date, January 2, 1992, to the Persian Gulf War.² The CS adopts that date to close the window on the time period covering the Persian Gulf War.

The CS amends s. 295.07, F.S., to clarify which wartime veterans qualify for the preferential employment consideration. For federal and state entitlement purposes, active duty for training has never been allowable as a period counting for wartime service for veteran’s preference.³ This phrase, however, was stricken from this section when ch. 92-80, L.O.F. was enacted. The CS amends this section to exclude active duty for training purposes so that the entitlement program remains consistent with the intent of the law. Additionally, the CS requires that a veteran must have served at least one day during a wartime period as defined in s. 1.01(14), F.S.

Section 295.182, F.S., is amended to delete the fiscal year 2002-2003 limitation on public funding necessarily imposed by the appropriations act. This change allows the Florida

² See Pub. L. 105-85.

³ Active duty for training is full-time duty performed by a member of a reserve component of a uniformed service in the active military or naval service of the United States for training purposes.

Department of Veterans' Affairs to continue to receive contributions from public bodies for the duration of the Florida World War II Veteran Memorial fundraising campaign.

Section 296.10, F.S., is amended to provide a resident of the Veterans' Domiciliary Home a cost of living adjustment to the money he or she is allowed to retain in personal use funds (currently \$100 per month). This adjustment is tied to the increase in social security, which also governs the same percent increase in VA pensions and retirement income. For example, if this year's cost of living adjustment is 2.6 percent, then the adjusted amount available for a resident's personal use would be \$102.60.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Department of Veterans' Affairs, the CS will result in a small reduction in the Department's Operations and Maintenance Trust Fund. The amount of reduction is based on the actual percentage change of the Cost-of-Living Adjustment, times 12 months, multiplied by the total number of residents who are eligible to receive the contribution to support. The Department estimates the fiscal impact to the Operations and Maintenance Trust Fund would be an incremental reduction of less than \$5,000 annually.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
