

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.)

Prepared By: Military Affairs and Domestic Security Committee

BILL: CS/SB 156

INTRODUCER: Military Affairs and Domestic Security Committee and Senator Geller

SUBJECT: Veterans Defined/Wartime Service

DATE: January 24, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>MS</u>	<u>Fav/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill adds Operation Enduring Freedom and Operation Iraqi Freedom to the list of qualifying military campaigns or expeditions found in s. 1.01 (14), F.S. Inclusion of these operations in the statute would qualify veterans who have served honorably but have not met the criteria for award of a campaign medal for wartime service veterans' benefits.

This bill amends Section 1.01 (14) of the Florida Statutes.

II. Present Situation:

Section 1.01 (14), F.S., defines the term "veteran" and provides eligibility criteria for benefits granted by the State of Florida to veterans with wartime service. A veteran is defined as a person who has served in the active military, naval, or air service and who has been discharged or released from active duty under honorable conditions. Eligibility for wartime service benefits require that the veteran must have served in a campaign or expedition for which a campaign badge has been authorized or must have served during one of the following periods of wartime service: The Spanish-American War, the Mexican Border period from May 9, 1916 to April 5, 1917, World War I, World War II, the Korean Conflict, the Vietnam Era, or the Persian Gulf War.

Recent wartime service periods, however, are not reflected in s. 1.01, Florida Statutes. U. S. military forces are currently serving in Afghanistan in Operation Enduring Freedom (OEF). In recognition of this service, the U. S. Department of Defense (DOD) has authorized award of a campaign medal for members serving in direct support of OEF beginning on or after October 24, 2001 and ending at a future date to be determined.

Likewise, U. S. military forces are serving in Iraq in Operation Iraqi Freedom (OIF). DOD has also authorized a campaign medal for members serving in direct support of OIF beginning on or after March 19, 2003 and ending at a future date to be determined.

According to the Florida Department of Veterans Affairs:

The federal definition of veteran¹, for the purpose of determining benefits eligibility, provides dates that mark our nation's major periods of war or conflict. No such dates for Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) have been established. September 11, 2001 has been set as the beginning point for the current time period of conflict with which our nation is involved.

“Veteran” was first defined in Florida Statutes in 1978. Section 1.01(14), F.S., defines a veteran as a person who served on active duty in the armed forces of the U.S. and has an honorable discharge. Additionally, it defines those veterans who are eligible to receive certain benefits as wartime veterans.

This section characterizes two types of wartime veterans: (1) veterans who served in a military campaign for which a campaign badge² was awarded³, and (2) veterans who served during a defined wartime period.

DOD awards the Afghanistan⁴ and Iraq⁵ Campaign Badges to veterans who served in Operation Enduring Freedom or Operation Iraqi Freedom. Under current law (s. 1.01(14), F.S.), this qualifies such veterans for wartime benefits. However, those veterans who served on active duty during these campaigns, but were not deployed into the campaigns, are not eligible.

To date, Florida has 122,977 veterans who served in OEF/OIF. It is unknown how many other veterans in Florida served on active duty during these conflicts but did not serve in either campaign overseas.

When Persian Gulf Veterans were added to the list of defined wartime service periods in Florida Statutes, the federal government had not yet codified the end date of the conflict. So, s. 1.01(14)(g), F.S., read as: “(g) Persian Gulf War: August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law,” until an end date

¹ 5 U.S.C.A. § 2108

² A current list that includes U.S. military campaign badges may be found at <http://www.tioh.hqda.pentagon.mil/Awards/Campaign%20Medals/USArmyServiceCampaignMedals.htm>

³ The provision regarding campaign badges was added in 2003. Prior to then, statutes allowed those who served during the defined wartime periods to be eligible for wartime benefits.

⁴ Department of Army. Afghanistan Campaign Medal Page. Office of the Administrative Assistant to the Secretary of the Army, Institute of Heraldry. Available at: <http://www.tioh.hqda.pentagon.mil/Awards/AfghanistanCampaignMedal.htm>. Accessed January 16, 2007.

⁵ Department of Army. Iraq Campaign Medal Page. Office of the Administrative Assistant to the Secretary of the Army, Institute of Heraldry. Available at: <http://www.tioh.hqda.pentagon.mil/Awards/IraqCampaignMedal.htm>. Accessed January 16, 2007.

of January 2, 1992⁶ was added in 2003⁷. The nation again is involved in a conflict that, as of yet, has no end date set.

Florida wartime benefits for eligible veterans include: veterans' hiring and retention preference⁸, career training admission preference (Vietnam Era)⁹, State Veteran Nursing Home admittance priority preference¹⁰, education benefits for children of POW/MIA (Vietnam and Korean Era)¹¹, certain local business tax exemptions¹², certain Florida Retirement System (FRS) benefits¹³, and certain homestead tax exemptions for those meeting other eligibility criteria¹⁴.

III. Effect of Proposed Changes:

This bill adds Operation Enduring Freedom and Operation Iraqi Freedom to the list of qualifying military campaigns or expeditions found in s. 1.01 (14), F.S. Inclusion of these operations in the statute would qualify veterans for wartime service veterans' benefits who have served honorably but have not met the criteria for award of a campaign medal.

The qualifying period for Operation Enduring Freedom begins October 7, 2001, and will end on a date thereafter prescribed by presidential proclamation or by law.

The qualifying period for Operation Iraqi Freedom begins March 19, 2003, and will end on a date thereafter prescribed by presidential proclamation or by law.

The bill provides for an effective date of July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ This was date was mirrored by Florida from 5 U.S.C.A. § 2108(1)(c).

⁷ Section 1, Chapter 2003-042, Laws of Florida.

⁸ Section 295.07, Florida Statutes.

⁹ Section 295.125, Florida Statutes.

¹⁰ Section 296.08, Florida Statutes.

¹¹ Section 295.015, Florida Statutes.

¹² Section 205.171, Florida Statutes.

¹³ Sections 121.021(20)(b) and 121.111, Florida Statutes.

¹⁴ Section 196.24, Florida Statutes.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The number of veterans affected by this change is unknown but is believed to be small because most active duty service personnel have already qualified for either the Operation Enduring Freedom or Operation Iraqi Freedom campaign medal.

There may be some negligible impact for the state affecting the Florida Retirement System. There is a provision that allows veterans who were employed by the state prior to January 1, 1987 to convert wartime service to state service at a substantially reduced purchase rate.¹⁵

The effect on local governments would also likely be negligible regarding employees seeking to convert wartime service for Florida Retirement System eligibility. There might be a slight increase in persons eligible for and applying for the business license tax exemption. Again this number is unknown and likely to be negligible.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The beginning date for Operation Enduring Freedom proposed in this bill (October 7, 2001) does not coincide with the beginning qualifying date for the Afghanistan Campaign Medal (October 24, 2001). However, Public Law 108-375, October 28, 2004 grants retroactive increased death gratuity benefits to members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom.

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

¹⁵ Section 121.111, Florida Statutes.

VIII. Summary of Amendments:

None.

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