

**The Florida Senate**  
**PROFESSIONAL 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: Governmental Operations Committee

BILL: CS/SB 728

INTRODUCER: Governmental Operations Committee and Senator Fasano

SUBJECT: Veteran's Employment Preference

DATE: March 14, 2007

REVISED: \_\_\_\_\_

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

**I. Summary:**

This bill will allow a veteran to continue to receive an employment preference when competing for subsequent public sector jobs after an initial hire.

No fiscal impact is anticipated.

This bill repeals section 295.101 of the Florida Statutes and makes a technical cross reference conforming change to s. 110.2135, F.S.

**II. Present Situation:**

Chapter 295, F.S., sets forth certain requirements for public employers to accord preferences, in appointment, retention, and promotion, to certain veterans and spouses of veterans who are Florida residents. The relevant portions of the law apply to the state and its political subdivisions. State agencies, counties, cities, state universities, school districts, and special taxing districts are subject to the requirements of ch. 295, F.S.<sup>1</sup>

Section 295.07, F.S., extends veterans' preference to:

- A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.
- The spouse of a veteran who cannot qualify for employment because of a total and

<sup>1</sup> Source: Department of Veterans Affairs website, <http://www.floridavests.org/benefits/veteranspref.asp>.

permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power.

- A veteran of any war who has served on active duty for one day or more during a wartime period, excluding active duty for training, and who was discharged under honorable conditions from the Armed Forces of the United States of America.
- The unremarried widow or widower of a veteran who died of a service-connected disability.<sup>2</sup>

A veteran's employment preference expires after a person eligible pursuant to s. 295.07, F.S., has applied and been employed by the state or any agency of a political subdivision in the state.<sup>3</sup>

### **III. Effect of Proposed Changes:**

This bill provides for the repeal of s. 295.101, F.S., thereby eliminating the veteran's preference expiration. Repealing this section will allow an eligible veteran or the qualified spouse of a veteran to continue to receive a veteran's preference in subsequent competition for employment covered by statute.

The bill also amends s. 110.2135, F.S., to make a cross reference deletion to s. 295.101, F.S.

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.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

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<sup>2</sup> Id.

<sup>3</sup> Section 295.101, F.S.

**C. Government Sector Impact:**

No fiscal impact is anticipated. This bill only extends the employment preference benefit for veterans and qualified spouses in the employment process. It does not affect the number of currently authorized positions nor require any additional positions be created to fulfill the requirements of this legislation.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Statutory provisions on veterans' preference in employment and retention have limited effect on public employers who do not subject employment positions to a numerically based selection process or who fill such positions by examination. Additionally, there are three other exemptions that this bill does not disturb: State of Florida employment positions exempted by s. 110.205(2), F.S., from the Career Service, local government positions that essentially mirror the same restrictions, and casual, or temporary employment positions without benefits.



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## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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