

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 469 Recognition of Military Personnel and Veterans

SPONSOR(S): State Affairs Committee, Smith and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	13 Y, 0 N	Thompson	Williamson
2) State Affairs Committee	15 Y, 0 N, As CS	Thompson	Hamby

SUMMARY ANALYSIS

Current law requires the Florida Department of Veterans' Affairs (DVA) to administer the Florida Veterans' Hall of Fame, and to do so without the appropriation of state funds. DVA is required to annually accept nominations of persons considered for induction and to transmit its recommendations to the Governor and Cabinet. Preference must be given to Florida based veterans who have made significant contributions to the state. DVA is also authorized to establish criteria and specific time periods for the acceptance and selection of nominees for membership, and to establish a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

The bill creates the Florida Veterans' Hall of Fame Council (Council) within the DVA to serve as an advisory body required to accept and transmit a list of 20 nominees to DVA to be considered for induction into the Hall of Fame by the Governor and Cabinet. The Council is to consist of seven members who are honorably discharged, at least four of whom are members of a congressionally chartered veterans service organization. The Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, President of the Senate, Speaker of the House of Representatives, and executive director of DVA are each required to appoint one member. Members of the Council are prohibited from receiving compensation or honorarium for their services, but may be reimbursed for travel expenses as provided in s. 112.061, F.S.; however, state funds are prohibited from being used for this purpose.

Current law establishes 50 legal holidays and special observance days, including Memorial Day, Veterans' Day, and Patriots' Day. Legal holidays and special observances may apply throughout the state or they may be limited to particular counties. Designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees. Current law does not contain a designation for Purple Heart Day.

The bill designates August 7 of each year as "Purple Heart Day." It authorizes the Governor to annually issue a proclamation designating August 7 as "Purple Heart Day." The bill encourages public officials, schools, private organizations, and all residents of the state to commemorate Purple Heart Day and to honor those wounded or killed while serving in any branch of the United States Armed Services.

The bill does not have a fiscal impact on state or local governments. See Fiscal Comments.

The bill has an effective date of July 1, 2012.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Florida Veterans' Hall of Fame

Present Situation

The Florida Veterans' Hall of Fame (Hall of Fame) was established¹ to recognize and honor those military veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida.² The names of inductees are each displayed on a plaque on the Plaza Level of the Capitol Building.³

Current law requires the Florida Department of Veterans' Affairs (DVA) to administer the Hall of Fame, and to do so without the appropriation of state funds.⁴ DVA is:

- Annually required to accept nominations of persons considered for induction;
- Annually required to transmit its recommendations to the Governor and Cabinet;⁵
- Authorized to establish criteria and specific time periods for the acceptance and selection of nominees for membership; and
- Authorized to establish a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.⁶

In addition, in making its annual recommendations, DVA must give preference to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.⁷

Proposed Changes

The bill creates the Florida Veterans' Hall of Fame Council (Council) within DVA as an advisory council as defined in s. 20.03(7), F.S. The bill requires the Council to consist of seven members who are all honorably discharged veterans, at least four of whom must be members of a congressionally chartered veterans service organization.

The bill requires each of the following state officials to appoint one Council member:

- The Governor;
- The President of the Senate (President);
- The Speaker of the House of Representatives (Speaker);
- The Attorney General (A.G.);
- The Chief Financial Officer (C.F.O.);
- The Commissioner of Agriculture (Commissioner); and
- The executive director of DVA (Executive Director).

The Council members serve staggered, four-year terms that begin January 1 of the year of appointment. However, to ensure staggering, three of the initial appointees serve two year terms. As such, initial appointees of the Governor, A.G., C.F.O., and Commissioner serve four years, and initial appointees of the President, Speaker, and Executive Director serve two years. After initial

¹ Chapter 2011-168, L.O.F.; codified as s. 265.003, F.S.

² Section 265.003(1), F.S.

³ Section 265.003(2)(b), F.S., requires the Department of Management Services to set aside an area on the Plaza Level of the Capitol Building along the northeast front wall and to consult with the Department of Veterans' Affairs regarding the design and theme of the area.

⁴ Section 265.003(2)(a), F.S.

⁵ Section 265.003(3)(a), F.S.

⁶ Section 265.003(3)(b), F.S.

⁷ Section 265.003(3)(b), F.S.

appointments, all appointees serve four-year terms. In addition, a member whose term expires must continue to serve on the Council until a replacement is appointed.

Members of the Council are required to annually elect a chair from among their number and must meet at the call of the chair, at the request of the executive director of DVA, or at such times as may be prescribed by the Council. A majority of members of the Council currently appointed constitutes a quorum, and meetings are prohibited unless a quorum is present. An official action by the Council requires an affirmative vote of a majority of the members of the Council present.

Members of the Council are prohibited from receiving compensation or honorarium for their services. Members may be reimbursed for travel expenses as provided in s. 112.061, F.S., however, state funds are prohibited from being used for this purpose.

Council members may be removed from the council by their original appointing authority for any one of the following reasons:

- Misconduct or malfeasance in office;
- Neglect of duty;
- Incompetence;
- Permanent inability to perform official duties; or
- Adjudication of guilt of a felony.

The bill requires the Council instead of DVA to annually accept nominations for persons to be considered for the Hall of Fame. The Council is also required to transmit a list of 20 nominees to DVA for submission to the Governor and Cabinet, who select the nominees to be inducted. In addition, the Council assumes DVA's authorization to establish selection criteria, time periods for acceptance of nominations, the process for selecting nominees, a formal induction ceremony to coincide with the annual commemoration of Veterans' Day, and the requirement to give preferential treatment to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.

The Purple Heart

Present Situation

The Purple Heart was established by General George Washington on August 7, 1782, during the Revolutionary War, and reestablished by President Franklin D. Roosevelt in 1932.⁸ The Purple Heart currently is awarded pursuant to executive order and federal law.⁹ The award is given in the name of the President of the United States (U.S.) and is limited to members of the U.S. Armed Forces who, while serving under component authority in any capacity after April 5, 1917, has been:

- Wounded or killed;
- Died or may hereafter die after being wounded; or
- Wounded or killed as a result of friendly fire and in acts of terrorism.¹⁰

Current law establishes 50 legal holidays and special observance days, including Memorial Day, Veterans' Day, and Patriots' Day.¹¹ Legal holidays and special observances may apply throughout the state or they may be limited to particular counties. Designation of a day as a legal holiday does not necessarily make that day a paid holiday for public employees.¹² Current law does not contain a

⁸ See Army Regulation 600-8-22, Personnel-General, Military Awards, Chapter 2, Section 8, page 19, at http://www.apd.army.mil/pdffiles/r600_8_22.pdf (last visited January 18, 2012).

⁹ Executive Order 11016, April 25, 1962; Executive Order 12464, February 23, 1984; and Public Law 98-525, October 19, 1984.

¹⁰ See Army Regulation 600-8-22, Personnel-General, Military Awards, Chapter 2, Section 8, page 20, at http://www.apd.army.mil/pdffiles/r600_8_22.pdf, provides definitions and examples of what qualifies and what does not qualify as a "wound" and other stipulations of who may receive the Purple Heart Award. (Last visited January 18, 2012).

¹¹ See chapter 683, F.S.

¹² Section 110.117, F.S., establishes which legal holidays are paid holidays for public employees.

designation for Purple Heart Day.¹³

Proposed Changes

The bill designates August 7 of each year as “Purple Heart Day.” It authorizes the Governor to annually issue a proclamation designating August 7 as “Purple Heart Day.” The bill encourages public officials, schools, private organizations, and all residents of the state to commemorate Purple Heart Day and to honor those wounded or killed while serving in any branch of the United States Armed Services.

B. SECTION DIRECTORY:

Section 1 amends s. 265.003, F.S., to create the Florida Veterans’ Hall of Fame Council within the Department of Veterans’ Affairs.

Section 2 creates s. 683.146, F.S., to designate August 7 of each year as “Purple Heart Day.”

Section 2 provides an effective date of July 1, 2012.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Council Funding

Current law requires the Florida Department of Veterans’ Affairs (DVA) to administer the Florida Veterans’ Hall of Fame (Hall of Fame) without the appropriation of state funds.¹⁴ The bill prohibits members of the Florida Veterans’ Hall of Fame Council (Council) from receiving compensation or honorarium for their services or from being reimbursed for travel expenses with state funds. DVA is authorized to establish a direct-support organization (DSO) for assistance, funding, and support in carrying out DVA’s overall mission.¹⁵ When the Hall of Fame was created in 2011, the DSO indicated it

¹³ See chapter 683, F.S.

¹⁴ Section 265.003(2)(a), F.S.

¹⁵ Section 292.055, F.S., establishes the Department of Veterans’ Affairs direct-support organization. The Florida Veterans’ Foundation, at <http://www.floridaveteransfoundation.org/> is incorporated as a not-for-profit corporation under chapter 617, F.S., and s. 501(c)(3) of the Internal Revenue Code.

would be responsible for initial and ongoing operation and maintenance costs of the Hall of Fame.¹⁶ According to DVA, the DSO will also provide funding for the Council, including, but not limited to, expenses related to startup, administration, staffing, and travel.¹⁷

Proclamation Costs

The Office of External Affairs within the Executive Office of the Governor prepares all proclamations. Reviewing and processing a proclamation may incur a cost. However, according to the Governor's office the cost is likely insignificant and provided as a courtesy.¹⁸

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or require additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 8, 2012, the State Affairs Committee amended and passed House Bill 469 as a committee substitute. The committee substitute differs from the original filed version in that it creates the Florida Veterans' Hall of Fame Council (Council) within the Department of Veterans Affairs (DVA) to serve as an advisory body required to accept and transmit a list of 20 nominees to DVA to be considered for induction into the Veterans' Hall of Fame by the Governor and Cabinet. The bill provides for Council membership, term lengths, quorum and vote requirements, member removal criteria, and funding proscription. The amendment also revises the process for nominating persons to be inducted into the Veterans' Hall of Fame, and authorizes the Council to establish criteria for such nominations. The analysis reflects the committee substitute.

¹⁶ House Community & Military Affairs, analysis of CS/HB 465 at 4 (March 17, 2011).

¹⁷ Information received by email from Jim Brodie, Director of Legislative and Cabinet Affairs, Florida Department of Veterans' Affairs, February 7, 2012 (on file with the House Government Operations Subcommittee).

¹⁸ Information received by telephone from Brenda Burdette, the Executive Office of the Governor, Legislative Affairs Office, January 18, 2012.