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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
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The Committee on Criminal Justice (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 220.1893, Florida Statutes, is created to read:

220.1893 National Guard Employment Tax Credit Program.—

(1) As used in this section, the term:

(a) "Department" means the Department of Economic Opportunity.

(b) "Eligible business" means any business that is operating and authorized to do business in this state.



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13 (c) "Qualified employee" means a person:

14 1. Who is a current Florida National Guard member in good
15 standing, as verified by the Adjutant General of the Florida
16 National Guard, and has been unemployed for more than 6 months
17 or is returning from duty abroad;

18 2. Who was hired by an eligible business on or after July
19 1, 2012, and had not previously been employed by the eligible
20 business or its parent or an affiliated corporation;

21 3. Who performed duties connected to the operations of the
22 eligible business on a regular, full-time basis for an average
23 of at least 36 hours per week and for at least 3 months before
24 an eligible business is awarded a tax credit; and

25 4. Whose employment by the eligible business has not formed
26 the basis for any other claim to a credit pursuant to this
27 chapter.

28 (2) A certified business shall receive a \$10,000 tax credit
29 for each qualified employee, subject to the limitation in
30 subsection (5). The credit may be taken against:

31 (a) Corporate income taxes under chapter 220.

32 (b) Insurance premium tax under s. 624.509.

33 (c) Taxes on sales, use, and other transactions under
34 chapter 212.

35 (d) Intangible personal property taxes under chapter 199.

36 (e) Excise taxes on documents under chapter 201.

37 (f) Ad valorem taxes paid, as defined in s. 220.03(1).

38 (g) State communications services taxes administered under
39 chapter 202. This paragraph does not apply to the gross receipts
40 tax imposed under chapter 203 and administered under chapter 202
41 or the local communications services tax authorized under s.



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42 202.19.

43 (3) (a) To become a certified business, an officer of an
44 eligible business must file under oath with the Department of
45 Economic Opportunity an application that includes:

46 1. The name, address, and NAICS identifying code of the
47 eligible business. As used in this subsection, "NAICS" means
48 those classifications contained in the North American Industry
49 Classification System, as published in 2007 by the Office of
50 Management and Budget, Executive Office of the President.

51 2. Relevant employment information.

52 3. A sworn affidavit, signed by each employee for whom the
53 eligible business is seeking credits under this section,
54 attesting to his or her previous unemployment.

55 4. Verification that the wages paid by the eligible
56 business to each of its qualified employees exceeds the wage
57 eligibility levels for Medicaid and other public assistance
58 programs.

59 5. Any other information necessary to process the
60 application.

61 (b) The Department of Economic Opportunity shall process
62 applications to certify a business in the order in which the
63 applications are received, without regard as to whether the
64 applicant is a new or an existing business. The department shall
65 review and approve or deny an application within 10 days after
66 receiving a completed application. The department shall notify
67 the applicant in writing as to the department's decision.

68 (c)1. The department shall submit a copy of the letter of
69 certification to the Department of Revenue within 10 days after
70 the department issues the letter of certification to the



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71 applicant.

72 2. If the application of an eligible business is not
73 sufficient to certify the applicant business, the department
74 must deny the application and issue a notice of denial to the
75 applicant.

76 3. If the application of an eligible business does not
77 contain sufficient documentation of the number of qualified
78 employees, the department shall approve the application with
79 respect to the employees for whom the department determines are
80 qualified employees. The department must deny the application
81 with respect to persons for whom the department determines are
82 not qualified employees or for whom insufficient documentation
83 has been provided. A business may not submit a revised
84 application for certification or for the determination of a
85 person as a qualified employee more than 3 months after the
86 issuance of a notice of denial with respect to the business or a
87 particular person as a qualified employee.

88 (4) The applicant for a tax credit under this section has
89 the responsibility to affirmatively demonstrate to the
90 satisfaction of the department and the Department of Revenue
91 that the applicant and the persons claimed as qualified
92 employees meet the requirements of this section.

93 (5) The total amount of tax credits under this section
94 which may be approved by the department for all applicants is \$5
95 million per fiscal year.

96 (6) A tax credit amount that is granted under this section
97 which is not fully used in the first year for which it becomes
98 available may be carried forward to the subsequent taxable year.
99 The carryover credit may be used in the subsequent year if the



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100 tax imposed by this chapter for such year exceeds the credit for
101 such year under this section after applying the other credits
102 and unused credit carryovers in the order provided in s.
103 220.02(8).

104 (7) A person who fraudulently claims a credit under this
105 section is liable for repayment of the credit plus a mandatory
106 penalty of 100 percent of the credit. Such person also commits a
107 misdemeanor of the second degree, punishable as provided in s.
108 775.082 or s. 775.083.

109 (8) The department may adopt rules governing the manner and
110 form of applications for the tax credit. The department may
111 establish guidelines for making an affirmative showing of
112 qualification for the tax credit under this section.

113 (9) The Department of Revenue may adopt rules to administer
114 this section, including rules relating to the creation of forms
115 to claim a tax credit and examination and audit procedures
116 required to administer this section.

117 (10) This section expires July 1, 2014. However, a taxpayer
118 that is awarded a tax credit in the second year of the program
119 may carry forward any unused credit amount to the subsequent tax
120 reporting period. Rules adopted by the Department of Revenue to
121 administer this section shall remain valid as long as a taxpayer
122 may use a credit against its corporate income tax liability.

123 Section 2. Section 265.003, Florida Statutes, is amended to
124 read:

125 265.003 Florida Veterans' Hall of Fame.—

126 (1) It is the intent of the Legislature to recognize and
127 honor those military veterans who, through their works and lives
128 during or after military service, have made a significant



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129 contribution to the State of Florida.

130 (2) There is established the Florida Veterans' Hall of
131 Fame.

132 (a) The Florida Veterans' Hall of Fame is administered by
133 the Florida Department of Veterans' Affairs without
134 appropriation of state funds.

135 (b) The Department of Management Services shall set aside
136 an area on the Plaza Level of the Capitol Building along the
137 northeast front wall and shall consult with the Department of
138 Veterans' Affairs regarding the design and theme of the area.

139 (c) Each person who is inducted into the Florida Veterans'
140 Hall of Fame shall have his or her name placed on a plaque
141 displayed in the designated area of the Capitol Building.

142 (3) (a) The Florida Veterans' Hall of Fame Council is
143 created within the Department of Veterans' Affairs as an
144 advisory council, as defined in s. 20.03(7), consisting of seven
145 members who shall all be honorably discharged veterans, and at
146 least four of whom must be members of a congressionally
147 chartered veterans service organization. The Governor, the
148 President of the Senate, the Speaker of the House of
149 Representatives, the Attorney General, the Chief Financial
150 Officer, the Commissioner of Agriculture, and the executive
151 director of the Department of Veterans' Affairs shall each
152 appoint one member. For the purposes of ensuring staggered
153 terms, the council members appointed by the Governor, the
154 Attorney General, the Chief Financial Officer, and the
155 Commissioner of Agriculture shall be appointed to 4-year terms
156 beginning on January 1 of the year of appointment, and the
157 council members appointed by the President of the Senate, the



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158 Speaker of the House of Representatives, and the executive
159 director of the Department of Veterans' Affairs shall be
160 appointed to 2-year terms beginning on January 1 of the year of
161 appointment. After the initial appointments, all appointees
162 shall be appointed to 4-year terms. A member whose term expires
163 shall continue to serve on the council until such time as a
164 replacement is appointed.

165 (b) The members shall annually elect a chair from among
166 their number. The council shall meet at the call of its chair,
167 at the request of the executive director of the Department of
168 Veterans' Affairs, or at such times as may be prescribed by the
169 council. A majority of the members of the council currently
170 appointed constitutes a quorum, and a meeting may not be held
171 unless a quorum is present. The affirmative vote of a majority
172 of the members of the council present is necessary for any
173 official action by the council.

174 (c) Members of the council may not receive compensation or
175 honorarium for their services, but members are entitled to
176 reimbursement for travel expenses incurred in the performance of
177 their duties as provided in s. 112.061.

178 (d) The original appointing authority may remove his or her
179 appointee from the council for misconduct or malfeasance in
180 office, neglect of duty, incompetence, or permanent inability to
181 perform official duties or if the member is adjudicated guilty
182 of a felony.

183 (4) ~~(3)~~ (a) The Florida Veterans' Hall of Fame Council
184 Department of Veterans' Affairs shall annually accept
185 nominations of persons to be considered for induction into the
186 Florida Veterans' Hall of Fame and shall ~~then~~ transmit a list of



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187 up to 20 nominees ~~its recommendations~~ to the Department of
188 Veterans' Affairs for submission to the Governor and the Cabinet
189 who will select four persons from the list of the nominees to be
190 inducted.

191 (b) In selecting its nominees for submission ~~making its~~
192 ~~recommendations~~ to the Governor and the Cabinet, the Florida
193 Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~
194 shall give preference to veterans who were born in Florida or
195 adopted Florida as their home state or base of operation and who
196 have made a significant contribution to the state in civic,
197 business, public service, or other pursuits.

198 (5)(4) The Florida Veterans' Hall of Fame Council
199 ~~Department of Veterans' Affairs~~ may establish criteria and set
200 specific time periods for acceptance of nominations and for the
201 process of selection of nominees for membership and establish a
202 formal induction ceremony to coincide with the annual
203 commemoration of Veterans' Day.

204 Section 3. Section 295.187, Florida Statutes, is amended to
205 read:

206 295.187 Florida ~~Service-Disabled~~ Veteran Business
207 Enterprise Opportunity Act.—

208 (1) SHORT TITLE.—This section may be cited as the "Florida
209 ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

210 (2) INTENT.—It is the intent of the Legislature to rectify
211 the economic disadvantage of service-disabled veterans, who are
212 statistically the least likely to be self-employed when compared
213 to the veteran population as a whole and who have made
214 extraordinary sacrifices on behalf of the nation, the state, and
215 the public, by providing opportunities for service-disabled



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216 veteran business enterprises as set forth in this section. The
217 Legislature also intends to recognize wartime veterans and
218 veterans of a period of war for their sacrifices as set forth in
219 this section.

220 (3) DEFINITIONS.—For the purpose of this section, the term:

221 (a) "Certified ~~service-disabled~~ veteran business
222 enterprise" means a business that has been certified by the
223 Department of Management Services to be a ~~service-disabled~~
224 veteran business enterprise as defined in paragraph (c).

225 (b) "Service-disabled veteran" means a veteran who is a
226 permanent Florida resident with a service-connected disability
227 as determined by the United States Department of Veterans
228 Affairs or who has been terminated from military service by
229 reason of disability by the United States Department of Defense.

230 (c) "~~Service-disabled~~ Veteran business enterprise" means an
231 independently owned and operated business that:

232 1. Employs 200 or fewer permanent full-time employees;
233 2. Together with its affiliates has a net worth of \$5
234 million or less or, if a sole proprietorship, has a net worth of
235 \$5 million or less including both personal and business
236 investments;

237 3. Is organized to engage in commercial transactions;

238 4. Is domiciled in this state;

239 5. Is at least 51 percent owned by one or more wartime
240 veterans or service-disabled veterans; and

241 6. The management and daily business operations of which
242 are controlled by one or more wartime veterans or service-
243 disabled veterans or, for a service-disabled veteran having with
244 a permanent and total disability, by the spouse or permanent



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245 caregiver of the veteran.

246 (d) "Wartime veteran" means:

247 1. A veteran as defined in s. 1.01(14); or

248 2. A veteran of a period of war, as used in 38 U.S.C. s.

249 1521, who served in the active military, naval, or air service:

250 a. For 90 days or more during a period of war;

251 b. During a period of war and was discharged or released

252 from such service for a service-connected disability;

253 c. For a period of 90 consecutive days or more and such

254 period began or ended during a period of war; or

255 d. For an aggregate of 90 days or more in two or more

256 separate periods of service during more than one period of war.

257 (4) VENDOR PREFERENCE.—

258 (a) A state agency, when considering two or more bids,

259 proposals, or replies for the procurement of commodities or

260 contractual services, at least one of which is from a certified

261 ~~service-disabled~~ veteran business enterprise, which that are

262 equal with respect to all relevant considerations, including

263 price, quality, and service, shall award such procurement or

264 contract to the certified ~~service-disabled~~ veteran business

265 enterprise.

266 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~

267 veteran business enterprise entitled to the vendor preference

268 under this section and one or more businesses entitled to this

269 preference or another vendor preference provided by law submit

270 bids, proposals, or replies for procurement of commodities or

271 contractual services which that are equal with respect to all

272 relevant considerations, including price, quality, and service,

273 ~~then~~ the state agency shall award the procurement or contract to



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274 the business having the smallest net worth.

275 (c) Political subdivisions of the state are encouraged to
276 offer a similar consideration to businesses certified under this
277 section.

278 (5) CERTIFICATION PROCEDURE.—

279 (a) The application for certification as a ~~service-disabled~~
280 veteran business enterprise must, at a minimum, include:

281 1. The name of the business enterprise applying for
282 certification and the name of the ~~service-disabled~~ veteran
283 submitting the application on behalf of the business enterprise.

284 2. The names of all owners of the business enterprise,
285 including owners who are wartime veterans, service-disabled
286 veterans, and owners who are not a wartime veteran or a service-
287 disabled veteran ~~veterans~~, and the percentage of ownership
288 interest held by each owner.

289 3. The names of all persons involved in both the management
290 and daily operations of the business, including the spouse or
291 permanent caregiver of a veteran who has ~~with~~ a permanent and
292 total disability.

293 4. The service-connected disability rating of all persons
294 listed under subparagraphs 1., 2., and 3., as applicable, with
295 supporting documentation from the United States Department of
296 Veterans Affairs or the United States Department of Defense.

297 5. Documentation of the wartime service of all persons
298 listed under subparagraphs 1., 2., and 3., as applicable, from
299 the United States Department of Veterans Affairs or the United
300 States Department of Defense.

301 ~~6.5.~~ The number of permanent full-time employees.

302 ~~7.6.~~ The location of the business headquarters.



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303 ~~8.7.~~ The total net worth of the business enterprise and its
304 affiliates. In the case of a sole proprietorship, the net worth
305 includes personal and business investments.

306 (b) To maintain certification, a ~~service-disabled~~ veteran
307 business enterprise shall renew its certification biennially.

308 (c) ~~The provisions of Chapter 120,~~ relating to application,
309 denial, and revocation procedures, applies ~~shall apply~~ to
310 certifications under this section.

311 (d) A certified ~~service-disabled~~ veteran business
312 enterprise must notify the Department of Management Services
313 within 30 business days after any event that may significantly
314 affect the certification of the business, including, but not
315 limited to, a change in ownership or change in management and
316 daily business operations.

317 (e) The certification of a ~~service-disabled~~ veteran
318 business enterprise shall be revoked for 12 months if the
319 Department of Management Services determines that the business
320 enterprise violated paragraph (d). An owner of a certified
321 ~~service-disabled~~ veteran business enterprise whose certification
322 is revoked may ~~is not permitted to~~ reapply for certification
323 under this section as an owner of any business enterprise during
324 the 12-month revocation period.

325 1. During the 12-month revocation period, a ~~service-~~
326 ~~disabled~~ veteran business enterprise whose certification has
327 been revoked may bid on state contracts but is not eligible for
328 any preference available under this section.

329 2. A ~~service-disabled~~ veteran business enterprise whose
330 certification has been revoked may apply for certification at
331 the conclusion of the 12-month revocation period by complying



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332 with requirements applicable to initial certifications.

333 (6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The
334 department shall:

335 (a) Assist the Department of Management Services in
336 establishing a certification procedure, which shall be reviewed
337 biennially and updated as necessary.

338 (b) Identify eligible ~~service-disabled~~ veteran business
339 enterprises by any electronic means, including electronic mail
340 or Internet website, or by any other reasonable means.

341 (c) Encourage and assist eligible ~~service-disabled~~ veteran
342 business enterprises to apply for certification under this
343 section.

344 (d) Provide information regarding services that are
345 available from the Office of Veterans' Business Outreach of the
346 Florida Small Business Development Center to ~~service-disabled~~
347 veteran business enterprises.

348 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The
349 department shall:

350 (a) With assistance from the Department of Veterans'
351 Affairs, establish a certification procedure, which shall be
352 reviewed biennially and updated as necessary.

353 (b) Grant, deny, or revoke the certification of a ~~service-~~
354 ~~disabled~~ veteran business enterprise under this section.

355 (c) Maintain an electronic directory of certified ~~service-~~
356 ~~disabled~~ veteran business enterprises for use by the state,
357 political subdivisions of the state, and the public.

358 (8) REPORT.—The Small Business Development Center shall
359 include in its report required by s. 288.705 the percentage of
360 certified ~~service-disabled~~ veteran business enterprises using



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361 the statewide contracts register.

362 (9) RULES.—The Department of Veterans' Affairs and the
363 Department of Management Services, as appropriate, may adopt
364 rules as necessary to administer this section.

365 Section 4. Paragraph (aaaa) is added to subsection (4) of
366 section 320.08056, Florida Statutes, to read:

367 320.08056 Specialty license plates.—

368 (4) The following license plate annual use fees shall be
369 collected for the appropriate specialty license plates:

370 (aaaa) American Legion license plate, \$25.

371 Section 5. Subsection (79) is added to section 320.08058,
372 Florida Statutes, to read:

373 320.08058 Specialty license plates.—

374 (79) AMERICAN LEGION LICENSE PLATES.—

375 (a) Upon American Legion, Department of Florida, meeting
376 the requirements of s. 320.08053, the department shall develop a
377 American Legion license plate as provided in this section. The
378 plate must bear the colors and design approved by the department
379 and must incorporate the American Legion emblem as adopted by
380 the American Legion on June 9, 1919, and patented on December 9
381 of that same year. The word "Florida" must appear at the top of
382 the plate, and the words "American Legion" must appear at the
383 bottom of the plate.

384 (b) The annual use fees shall be distributed to the
385 American Legion, Department of Florida which shall retain the
386 initial revenues from the sale of the plates until all startup
387 costs incurred in the development and approval of the plates
388 have been reimbursed. Thereafter, the proceeds shall be
389 distributed as follows:



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390 1. Sixty percent of the proceeds shall be distributed to
391 the American Legion, Department of Florida:

392 a. To support Boys State in Florida, the Veteran Affairs
393 and Rehabilitation program, and the Gilchrist Endowment Fund;
394 and

395 b. For administration and marketing of the license plate,
396 not to exceed 10 percent of the amount of the proceeds
397 distributed to the American Legion, Department of Florida.

398 2. Twenty percent of the proceeds shall be distributed to
399 the direct-support organization created under s. 292.055 under
400 the Department of Veterans' Affairs.

401 3. Twenty percent of the proceeds shall be distributed to
402 the direct-support organization created under s. 250.115 under
403 the Department of Military Affairs.

404 Section 6. Effective October 1, 2012, section 320.089,
405 Florida Statutes, is amended to read:

406 320.089 Members of National Guard and active United States
407 Armed Forces reservists; former prisoners of war; survivors of
408 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
409 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
410 Badge recipients; Vietnam War Veterans; Korean Conflict
411 Veterans; special license plates; fee.-

412 (1) (a) Each owner or lessee of an automobile or truck for
413 private use or recreational vehicle as specified in s.
414 320.08(9)(c) or (d), which is not used for hire or commercial
415 use, who is a resident of the state and an active or retired
416 member of the Florida National Guard, a survivor of the attack
417 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
418 active or retired member of any branch of the United States



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419 Armed Forces Reserve, or a recipient of the Combat Infantry
420 Badge shall, upon application to the department, accompanied by
421 proof of active membership or retired status in the Florida
422 National Guard, proof of membership in the Pearl Harbor
423 Survivors Association or proof of active military duty in Pearl
424 Harbor on December 7, 1941, proof of being a Purple Heart medal
425 recipient, ~~or~~ proof of active or retired membership in any
426 branch of the Armed Forces Reserve, or proof of membership in
427 the Combat Infantrymen's Association, Inc., or other proof of
428 being a recipient of the Combat Infantry Badge, and upon payment
429 of the license tax for the vehicle as provided in s. 320.08, be
430 issued a license plate as provided by s. 320.06, upon which, in
431 lieu of the serial numbers prescribed by s. 320.06, shall be
432 stamped the words "National Guard," "Pearl Harbor Survivor,"
433 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
434 Badge," as appropriate, followed by the serial number of the
435 license plate. Additionally, the Purple Heart plate may have the
436 words "Purple Heart" stamped on the plate and the likeness of
437 the Purple Heart medal appearing on the plate.

438 (b) Notwithstanding any other provision of law to the
439 contrary, beginning with fiscal year 2002-2003 and annually
440 thereafter, the first \$100,000 in general revenue generated from
441 the sale of license plates issued under this section shall be
442 deposited into the Grants and Donations Trust Fund, as described
443 in s. 296.38(2), to be used for the purposes established by law
444 for that trust fund. Any additional general revenue generated
445 from the sale of such plates shall be deposited into the State
446 Homes for Veterans Trust Fund and used solely to construct,
447 operate, and maintain domiciliary and nursing homes for



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448 veterans, subject to the requirements of chapter 216.

449 (c) Notwithstanding any provisions of law to the contrary,
450 an applicant for a Pearl Harbor Survivor license plate or a
451 Purple Heart license plate who also qualifies for a disabled
452 veteran's license plate under s. 320.084 shall be issued the
453 appropriate special license plate without payment of the license
454 tax imposed by s. 320.08.

455 (2) Each owner or lessee of an automobile or truck for
456 private use, truck weighing not more than 7,999 pounds, or
457 recreational vehicle as specified in s. 320.08(9)(c) or (d),
458 which is not used for hire or commercial use, who is a resident
459 of the state and who is a former prisoner of war, or their
460 unremarried surviving spouse, shall, upon application therefor
461 to the department, be issued a license plate as provided in s.
462 320.06, on which license plate are stamped the words "Ex-POW"
463 followed by the serial number. Each application shall be
464 accompanied by proof that the applicant meets the qualifications
465 specified in paragraph (a) or paragraph (b).

466 (a) A citizen of the United States who served as a member
467 of the Armed Forces of the United States or the armed forces of
468 a nation allied with the United States who was held as a
469 prisoner of war at such time as the Armed Forces of the United
470 States were engaged in combat, or their unremarried surviving
471 spouse, may be issued the special license plate provided for in
472 this subsection without payment of the license tax imposed by s.
473 320.08.

474 (b) A person who was serving as a civilian with the consent
475 of the United States Government, or a person who was a member of
476 the Armed Forces of the United States who was not a United



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477 States citizen and was held as a prisoner of war when the Armed
478 Forces of the United States were engaged in combat, or their
479 unremarried surviving spouse, may be issued the special license
480 plate provided for in this subsection upon payment of the
481 license tax imposed by s. 320.08.

482 (3) Each owner or lessee of an automobile or truck for
483 private use, truck weighing not more than 7,999 pounds, or
484 recreational vehicle as specified in s. 320.08(9)(c) or (d),
485 which is not used for hire or commercial use, who is a resident
486 of this state and who is the unremarried surviving spouse of a
487 recipient of the Purple Heart medal shall, upon application
488 therefor to the department, with the payment of the required
489 fees, be issued a license plate as provided in s. 320.06, on
490 which license plate are stamped the words "Purple Heart" and the
491 likeness of the Purple Heart medal followed by the serial
492 number. Each application shall be accompanied by proof that the
493 applicant is the unremarried surviving spouse of a recipient of
494 the Purple Heart medal.

495 (4) The owner or lessee of an automobile or truck for
496 private use, a truck weighing not more than 7,999 pounds, or a
497 recreational vehicle as specified in s. 320.08(9)(c) or (d)
498 which automobile, truck, or recreational vehicle is not used for
499 hire or commercial use who is a resident of the state and a
500 current or former member of the United States military who was
501 deployed and served in Iraq during Operation Iraqi Freedom or in
502 Afghanistan during Operation Enduring Freedom shall, upon
503 application to the department, accompanied by proof of active
504 membership or former active duty status during one of these
505 operations, and upon payment of the license tax for the vehicle



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506 as provided in s. 320.08, be issued a license plate as provided
507 by s. 320.06 upon which, in lieu of the registration license
508 number prescribed by s. 320.06, shall be stamped the words
509 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
510 appropriate, followed by the registration license number of the
511 plate.

512 (5) The owner or lessee of an automobile or truck for
513 private use, a truck weighing not more than 7,999 pounds, or a
514 recreational vehicle as specified in s. 320.08(9)(c) or (d)
515 which automobile, truck, or recreational vehicle is not used for
516 hire or commercial use, who is a resident of the state and a
517 current or former member of the United States military, and who
518 was deployed and served in Vietnam during United States military
519 deployment in Indochina shall, upon application to the
520 department, accompanied by proof of active membership or former
521 active duty status during these operations, and upon payment of
522 the license tax for the vehicle as provided in s. 320.08, be
523 issued a license plate as provided by s. 320.06 upon which, in
524 lieu of the registration license number prescribed by s. 320.06,
525 shall be stamped the words "Vietnam War Veteran," followed by
526 the registration license number of the plate.

527 (6) The owner or lessee of an automobile or truck for
528 private use, a truck weighing not more than 7,999 pounds, or a
529 recreational vehicle as specified in s. 320.08(9)(c) or (d)
530 which automobile, truck, or recreational vehicle is not used for
531 hire or commercial use, who is a resident of the state and a
532 current or former member of the United States military, and who
533 was deployed and served in Korea during United States military
534 deployment in Korea shall, upon application to the department,



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535 accompanied by proof of active membership or former active duty
536 status during these operations, and upon payment of the license
537 tax for the vehicle as provided in s. 320.08, be issued a
538 license plate as provided by s. 320.06 upon which, in lieu of
539 the registration license number prescribed by s. 320.06, shall
540 be stamped the words "Korean Conflict Veteran," followed by the
541 registration license number of the plate.

542 Section 7. Section 320.0892, Florida Statutes is created to
543 read:

544 320.0892 Motor vehicle license plates for recipients of the
545 Silver Star, Distinguished Service Cross, Navy Cross, or Air
546 Force Cross.—Upon receipt of an application and proof that the
547 applicant meets the qualifications listed in this section for
548 the applicable license plate, the department shall issue the
549 license plate without payment of the license tax imposed under
550 s. 320.08:

551 (1) SILVER STAR.—Any United States citizen who is a
552 resident of this state and who was awarded the Silver Star while
553 serving as a member of the United States Armed Forces shall be
554 issued a license plate on which is stamped the words "Silver
555 Star" followed by the serial number.

556 (2) DISTINGUISHED SERVICE CROSS.—Any United States citizen
557 who is a resident of this state and who was awarded the
558 Distinguished Service Cross while serving as a member of the
559 United States Armed Forces shall be issued a license plate on
560 which is stamped the words "Distinguished Service Cross"
561 followed by the serial number.

562 (3) NAVY CROSS.—Any United States citizen who is a resident
563 of this state and who was awarded the Navy Cross while serving



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564 as a member of the United States Armed Forces shall be issued a
565 license plate on which is stamped the words "Navy Cross"
566 followed by the serial number.

567 (4) AIR FORCE CROSS.—Any United States citizen who is a
568 resident of this state and who was awarded the Air Force Cross
569 while serving as a member of the United States Armed Forces
570 shall be issued a license plate on which is stamped the words
571 "Air Force Cross" followed by the serial number.

572 Section 8. Section 683.146, Florida Statutes, is created to
573 read:

574 683.146 Purple Heart Day.—

575 (1) August 7 of each year is designated as "Purple Heart
576 Day."

577 (2) The Governor may annually issue a proclamation
578 designating August 7 as "Purple Heart Day." Public officials,
579 schools, private organizations, and all residents of the state
580 are encouraged to commemorate Purple Heart Day and honor those
581 wounded or killed while serving in any branch of the United
582 States Armed Services.

583 Section 9. Sections 10 through 13 of this act may be cited
584 as the "T. Patt Maney Veterans' Treatment Intervention Act."

585 Section 10. Military veterans and servicemembers court
586 program.—The chief judge of each judicial circuit may establish
587 a military veterans and servicemembers court program under which
588 veterans, as defined in s. 1.01, Florida Statutes, and
589 servicemembers, as defined in s. 250.01, Florida Statutes, who
590 are convicted of or charged with a criminal offense and who
591 suffer from a mental illness, traumatic brain injury, substance
592 use disorder, or psychological problem as a result of their



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593 military service are eligible to participate. Upon a conviction,
594 an eligible military veteran or servicemember may be sentenced
595 in such a manner as to appropriately address the severity of the
596 mental illness, traumatic brain injury, substance use disorder,
597 or psychological problem through services tailored to the
598 individual needs of the participant. Entry into any military
599 veterans and servicemembers court program must be based upon the
600 sentencing court's assessment of the defendant's criminal
601 history, military service, need for substance use treatment,
602 need for mental health treatment, amenability to the services of
603 the program, the advisory recommendation of the state attorney
604 and the victim, if any, and the defendant's agreement to enter
605 the program.

606 Section 11. Present subsection (7) of section 948.08,
607 Florida Statutes, is renumbered as subsection (8), and a new
608 subsection (7) is added to that section, to read:

609 948.08 Pretrial intervention program.-

610 (7) (a) Notwithstanding any provision of this section, a
611 person who is charged with a felony, other than a felony listed
612 in s. 948.06(8)(c), and identified as a servicemember, as
613 defined in s. 250.01, or veteran, as defined in s. 1.01, who
614 suffers from a military service-related mental illness,
615 traumatic brain injury, substance use disorder, or psychological
616 problem, is eligible for voluntary admission into a pretrial
617 veterans' treatment intervention program approved by the chief
618 judge of the circuit, upon motion of either party or the court's
619 own motion, except:

620 1. If a defendant was previously offered admission to a
621 pretrial veterans' treatment intervention program at any time



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622 before trial and the defendant rejected that offer on the
623 record, the court may deny the defendant's admission to such a
624 program.

625 2. If a defendant previously entered a court-ordered
626 veterans' treatment program, the court may deny the defendant's
627 admission into the pretrial veterans' treatment program.

628 (b) While enrolled in a pretrial intervention program
629 authorized by this subsection, the participant shall be subject
630 to a coordinated strategy developed by a veterans' treatment
631 intervention team. The coordinated strategy should be modeled
632 after the therapeutic jurisprudence principles and key
633 components in s. 397.334(4), with treatment specific to the
634 needs of servicemembers and veterans. The coordinated strategy
635 may include a protocol of sanctions that may be imposed upon the
636 participant for noncompliance with program rules. The protocol
637 of sanctions may include, but need not be limited to, placement
638 in a treatment program offered by a licensed service provider or
639 in a jail-based treatment program or serving a period of
640 incarceration within the time limits established for contempt of
641 court. The coordinated strategy must be provided in writing to
642 the participant before the participant agrees to enter into a
643 pretrial veterans' treatment intervention program or other
644 pretrial intervention program. Any person whose charges are
645 dismissed after successful completion of the pretrial veterans'
646 treatment intervention program, if otherwise eligible, may have
647 his or her arrest record to the dismissed charges expunged under
648 s. 943.0585.

649 (c) At the end of the pretrial intervention period, the
650 court shall consider the recommendation of the treatment program



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651 and the recommendation of the state attorney as to disposition
652 of the pending charges. The court shall determine, by written
653 finding, whether the defendant has successfully completed the
654 pretrial intervention program. If the court finds that the
655 defendant has not successfully completed the pretrial
656 intervention program, the court may order the person to continue
657 in education and treatment, which may include treatment programs
658 offered by licensed service providers or jail-based treatment
659 programs, or order that the charges revert to normal channels
660 for prosecution. The court shall dismiss the charges upon a
661 finding that the defendant has successfully completed the
662 pretrial intervention program.

663 Section 12. Section 948.16, Florida Statutes, is amended to
664 read:

665 948.16 Misdemeanor pretrial substance abuse education and
666 treatment intervention program; misdemeanor pretrial veterans'
667 treatment intervention program.-

668 (1) (a) A person who is charged with a misdemeanor for
669 possession of a controlled substance or drug paraphernalia under
670 chapter 893, and who has not previously been convicted of a
671 felony nor been admitted to a pretrial program, is eligible for
672 voluntary admission into a misdemeanor pretrial substance abuse
673 education and treatment intervention program, including a
674 treatment-based drug court program established pursuant to s.
675 397.334, approved by the chief judge of the circuit, for a
676 period based on the program requirements and the treatment plan
677 for the offender, upon motion of either party or the court's own
678 motion, except, if the state attorney believes the facts and
679 circumstances of the case suggest the defendant is involved in



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680 dealing and selling controlled substances, the court shall hold
681 a preadmission hearing. If the state attorney establishes, by a
682 preponderance of the evidence at such hearing, that the
683 defendant was involved in dealing or selling controlled
684 substances, the court shall deny the defendant's admission into
685 the pretrial intervention program.

686 (b) While enrolled in a pretrial intervention program
687 authorized by this section, the participant is subject to a
688 coordinated strategy developed by a drug court team under s.
689 397.334(4). The coordinated strategy may include a protocol of
690 sanctions that may be imposed upon the participant for
691 noncompliance with program rules. The protocol of sanctions may
692 include, but is not limited to, placement in a substance abuse
693 treatment program offered by a licensed service provider as
694 defined in s. 397.311 or in a jail-based treatment program or
695 serving a period of incarceration within the time limits
696 established for contempt of court. The coordinated strategy must
697 be provided in writing to the participant before the participant
698 agrees to enter into a pretrial treatment-based drug court
699 program or other pretrial intervention program. Any person whose
700 charges are dismissed after successful completion of the
701 treatment-based drug court program, if otherwise eligible, may
702 have his or her arrest record and plea of nolo contendere to the
703 dismissed charges expunged under s. 943.0585.

704 (2) (a) A servicemember, as defined in s. 250.01, or
705 veteran, as defined in s. 1.01, who suffers from a military
706 service-related mental illness, traumatic brain injury,
707 substance use disorder, or psychological problem, and who is
708 charged with a misdemeanor is eligible for voluntary admission



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709 into a misdemeanor pretrial veterans' treatment intervention
710 program approved by the chief judge of the circuit, for a period
711 based on the program's requirements and the treatment plan for
712 the offender, upon motion of either party or the court's own
713 motion. However, the court may deny the defendant admission into
714 a misdemeanor pretrial veterans' treatment intervention program
715 if the defendant has previously entered a court-ordered
716 veterans' treatment program.

717 (b) While enrolled in a pretrial intervention program
718 authorized by this section, the participant shall be subject to
719 a coordinated strategy developed by a veterans' treatment
720 intervention team. The coordinated strategy should be modeled
721 after the therapeutic jurisprudence principles and key
722 components in s. 397.334(4), with treatment specific to the
723 needs of servicemembers and veterans. The coordinated strategy
724 may include a protocol of sanctions that may be imposed upon the
725 participant for noncompliance with program rules. The protocol
726 of sanctions may include, but need not be limited to, placement
727 in a treatment program offered by a licensed service provider or
728 in a jail-based treatment program or serving a period of
729 incarceration within the time limits established for contempt of
730 court. The coordinated strategy must be provided in writing to
731 the participant before the participant agrees to enter into a
732 misdemeanor pretrial veterans' treatment intervention program or
733 other pretrial intervention program. Any person whose charges
734 are dismissed after successful completion of the misdemeanor
735 pretrial veterans' treatment intervention program, if otherwise
736 eligible, may have his or her arrest record to the dismissed
737 charges expunged under s. 943.0585.



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738 ~~(3)-(2)~~ At the end of the pretrial intervention period, the
739 court shall consider the recommendation of the treatment program
740 and the recommendation of the state attorney as to disposition
741 of the pending charges. The court shall determine, by written
742 finding, whether the defendant successfully completed the
743 pretrial intervention program. Notwithstanding the coordinated
744 strategy developed by a drug court team pursuant to s.
745 397.334(4) or by the veterans' treatment intervention team, if
746 the court finds that the defendant has not successfully
747 completed the pretrial intervention program, the court may order
748 the person to continue in education and treatment or return the
749 charges to the criminal docket for prosecution. The court shall
750 dismiss the charges upon finding that the defendant has
751 successfully completed the pretrial intervention program.

752 ~~(4)-(3)~~ Any public or private entity providing a pretrial
753 substance abuse education and treatment program under this
754 section shall contract with the county or appropriate
755 governmental entity. The terms of the contract shall include,
756 but not be limited to, the requirements established for private
757 entities under s. 948.15(3). This requirement does not apply to
758 services provided by the Department of Veterans' Affairs or the
759 United States Department of Veterans Affairs.

760 Section 13. Section 948.21, Florida Statutes, is created to
761 read:

762 948.21 Condition of probation or community control;
763 military servicemembers and veterans.—Effective for a
764 probationer or community controllee whose crime was committed on
765 or after July 1, 2012, and who is a servicemember, as defined in
766 s. 250.01, or veteran, as defined in s. 1.01, who suffers from a



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767 military service-related mental illness, traumatic brain injury,
768 substance use disorder, or psychological problem, the court may,
769 in addition to any other conditions imposed, impose a condition
770 requiring the probationer or community controllee to participate
771 in a treatment program capable of treating the probationer or
772 community controllee's mental illness, traumatic brain injury,
773 substance use disorder, or psychological problem. The court
774 shall give preference to treatment programs for which the
775 probationer or community controllee is eligible through the
776 Department of Veterans' Affairs or the United States Department
777 of Veterans' Affairs.

778 Section 14. Subsection (1) of section 1003.05, Florida
779 Statutes, is amended to read:

780 1003.05 Assistance to transitioning students from military
781 families.—

782 (1) The Legislature finds that school-aged dependents of
783 military personnel, otherwise known as military students, are
784 faced with numerous transitions during their formative years and
785 that moves during the high school years provide special
786 challenges to learning and future achievement.

787 (a) Recognizing the challenges faced by military students
788 and the importance of military families to our community and
789 economy, the Department of Education shall assist the transition
790 of these students by improving the timely transfer of records,
791 developing systems to ease student transition during the first 2
792 weeks of enrollment, promoting practices which foster access to
793 extracurricular programs, establishing procedures to lessen the
794 adverse impact of moves from the end of the junior year as well
795 as before and during the senior year, encouraging or continuing



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796 partnerships between the military base and the school system,
797 providing services for transitioning students when applying to
798 and finding funding for postsecondary study, and providing other
799 assistance as identified by department, school, and military
800 personnel.

801 (b) If a local school board adjusts school zones within its
802 boundaries, military students shall be given the option of
803 remaining at the school they are currently attending or may
804 attend the school assigned as a result of the rezoning.

805 Section 15. Section 1004.075, Florida Statutes, is created
806 to read:

807 1004.075 Priority course registration for veterans.—Each
808 Florida College System institution and state university that
809 offers priority course registration for a segment of the student
810 population, or upon implementation of priority course
811 registration for a segment of the student population, shall
812 provide priority course registration for each veteran of the
813 United States Armed Forces. Priority registration shall be given
814 to the spouse or a dependent child of the veteran to whom GI
815 Bill educational benefits have been transferred. Each eligible
816 veteran shall be granted priority for course registration for
817 the duration of his or her attendance at a Florida College
818 System institution and state university if priority registration
819 is offered. A spouse or dependent child shall also be granted
820 priority for registration until the expiration of the GI Bill
821 educational benefits.

822 Section 16. Section 1005.09, Florida Statutes, is created
823 to read:

824 1005.09 Priority course registration for veterans.—Each



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825 independent postsecondary educational institution that is under
826 the jurisdiction of the commission or is exempt from the
827 jurisdiction of the commission and that offers priority course
828 registration for a segment of the student population, or upon
829 implementation of priority course registration for a segment of
830 the student population, is encouraged to provide priority course
831 registration for each veteran of the United States Armed Forces,
832 or his or her spouse or dependent children, who is receiving GI
833 Bill educational benefits, in accordance with s. 1004.075.

834 Section 17. Present paragraphs (c) through (k) of
835 subsection (10) of section 1009.21, Florida Statutes, are
836 redesignated as paragraphs (d) through (l), respectively, and a
837 new paragraph (c) is added to that subsection, to read:

838 1009.21 Determination of resident status for tuition
839 purposes.—Students shall be classified as residents or
840 nonresidents for the purpose of assessing tuition in
841 postsecondary educational programs offered by charter technical
842 career centers or career centers operated by school districts,
843 in Florida College System institutions, and in state
844 universities.

845 (10) The following persons shall be classified as residents
846 for tuition purposes:

847 (c) Veterans of the Armed Services of the United States,
848 including reserve components thereof, who attend the physical
849 location of a public college, university, or institution of
850 higher learning within the state.

851 Section 18. Except as otherwise expressly provided in this
852 act, this act shall take effect July 1, 2012.

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854 ===== T I T L E A M E N D M E N T =====

855 And the title is amended as follows:

856 Delete everything before the enacting clause
857 and insert:

858 A bill to be entitled
859 An act relating to current and former military
860 personnel; creating s. 220.1893, F.S.; providing a tax
861 credit program for eligible businesses that hire
862 certain national guard members; providing definitions;
863 providing credits against specified taxes for
864 certified businesses; providing guidelines for
865 becoming a certified business; requiring the
866 Department of Economic Opportunity to certify
867 qualified businesses; providing criteria for the
868 certification; limiting the total amount of tax
869 credits; providing for certain tax credits to be
870 carried forward; providing penalties for fraudulent
871 claims; authorizing the Department of Economic
872 Opportunity and the Department of Revenue to adopt
873 rules; providing for future expiration of the tax
874 credit program; amending s. 265.003, F.S.; creating
875 the Florida Veterans' Hall of Fame Council; providing
876 for membership and terms of appointment; providing for
877 the appointment of a chair; providing for meetings, a
878 quorum, and voting; providing for reimbursement of
879 travel expenses; providing for the removal of an
880 appointee; providing for the Florida Veterans' Hall of
881 Fame Council rather than the Department of Veterans'
882 Affairs to select nominees for induction into the



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883 Florida Veterans' Hall of Fame and to establish the
884 criteria for selection; requiring that the Governor
885 and Cabinet annually select a specified number of
886 nominees for induction; amending s. 295.187, F.S.;
887 revising legislative intent; renaming and revising the
888 Florida Service-Disabled Veteran Business Enterprise
889 Opportunity Act to expand the vendor preference in
890 state contracting to include certain businesses owned
891 and operated by wartime veterans or veterans of a
892 period of war; amending s. 320.08056, F.S.; providing
893 the license plate annual use fee for an American
894 Legion license plate; amending s. 320.08058, F.S.;
895 creating the American Legion license plate; providing
896 for the distribution of use fees received from the
897 sale of the license plates; amending s. 320.089, F.S.;
898 providing for the issuance of a Combat Infantry Badge
899 license plate; providing qualifications and
900 requirements for the plate; providing for the use of
901 proceeds from the sale of the plate; providing for
902 issuance of a Vietnam War Veterans' license plate and
903 the Korean Conflict Veterans' license plate; providing
904 qualifications and requirements for the plates;
905 creating s. 320.0892, F.S.; providing for the
906 Department of Highway Safety and Motor Vehicles to
907 issue Silver Star, Distinguished Service Cross, Navy
908 Cross, and Air Force Cross license plates, without
909 payment of the license tax, to persons meeting
910 specified criteria; providing qualifications for
911 entrance into the court program; creating s. 683.146,



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912 F.S.; designating August 7 of each year as "Purple
913 Heart Day"; providing a short title; creating a court
914 program for certain servicemembers and military
915 veterans who suffer from mental illness, traumatic
916 brain injury, substance use disorder, or psychological
917 problems as a result of their military service;
918 amending s. 948.08, F.S.; creating a pretrial
919 veterans' and servicemembers' treatment intervention
920 program; providing requirements for a defendant to be
921 voluntarily admitted to the pretrial program;
922 providing certain exceptions to such admission;
923 providing for the disposition of pending charges
924 following a defendant's completion of the pretrial
925 intervention program; providing for the charges to be
926 expunged under certain circumstances; amending s.
927 948.16, F.S.; creating a misdemeanor pretrial
928 veterans' treatment intervention program; providing
929 requirements for voluntary admission to the
930 misdemeanor pretrial program; providing for the
931 misdemeanor charges to be expunged under certain
932 circumstances; exempting treatment services provided
933 by the Department of Veterans' Affairs or the United
934 States Department of Veterans Affairs from certain
935 contract requirements; creating s. 948.21, F.S.;

936 authorizing the court to impose a condition of
937 probation or community control for certain defendant
938 veterans or servicemembers which requires
939 participation in a treatment program capable of
940 treating a mental illness, a traumatic brain injury, a



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941 substance use disorder, or a psychological problem;
942 amending s. 1003.05, F.S.; requiring that a school
943 board provide an option to school-aged dependents of
944 military personnel to choose certain schools if the
945 student is reassigned as a result of school rezoning;
946 creating s. 1004.075, F.S.; requiring certain Florida
947 College System institutions and state universities to
948 provide priority course registration for veterans;
949 providing eligibility requirements; creating s.
950 1005.09, F.S.; encouraging certain independent
951 postsecondary educational institutions to provide
952 priority course registration for veterans; amending s.
953 1009.21, F.S.; providing that veterans of the Armed
954 Services of the United States, including reserve
955 components thereof, who attend the physical location
956 of a public college, university, or institution of
957 higher learning within the state are residents for
958 tuition purposes; providing effective dates.