

By the Committees on Criminal Justice; and Military Affairs, Space, and Domestic Security; and Senators Bennett, Detert, Jones, Gaetz, and Fasano

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1 A bill to be entitled
2 An act relating to current and former military
3 personnel; creating s. 220.1893, F.S.; providing a tax
4 credit program for eligible businesses that hire
5 certain national guard members; providing definitions;
6 providing credits against specified taxes for
7 certified businesses; providing guidelines for
8 becoming a certified business; requiring the
9 Department of Economic Opportunity to certify
10 qualified businesses; providing criteria for the
11 certification; limiting the total amount of tax
12 credits; providing for certain tax credits to be
13 carried forward; providing penalties for fraudulent
14 claims; authorizing the Department of Economic
15 Opportunity and the Department of Revenue to adopt
16 rules; providing for future expiration of the tax
17 credit program; amending s. 265.003, F.S.; creating
18 the Florida Veterans' Hall of Fame Council; providing
19 for membership and terms of appointment; providing for
20 the appointment of a chair; providing for meetings, a
21 quorum, and voting; providing for reimbursement of
22 travel expenses; providing for the removal of an
23 appointee; providing for the Florida Veterans' Hall of
24 Fame Council rather than the Department of Veterans'
25 Affairs to select nominees for induction into the
26 Florida Veterans' Hall of Fame and to establish the
27 criteria for selection; requiring that the Governor
28 and Cabinet annually select a specified number of
29 nominees for induction; amending s. 295.187, F.S.;

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30 revising legislative intent; renaming and revising the
31 Florida Service-Disabled Veteran Business Enterprise
32 Opportunity Act to expand the vendor preference in
33 state contracting to include certain businesses owned
34 and operated by wartime veterans or veterans of a
35 period of war; amending s. 320.08056, F.S.; providing
36 the license plate annual use fee for an American
37 Legion license plate; amending s. 320.08058, F.S.;
38 creating the American Legion license plate; providing
39 for the distribution of use fees received from the
40 sale of the license plates; amending s. 320.089, F.S.;
41 providing for the issuance of a Combat Infantry Badge
42 license plate; providing qualifications and
43 requirements for the plate; providing for the use of
44 proceeds from the sale of the plate; providing for
45 issuance of a Vietnam War Veterans' license plate and
46 the Korean Conflict Veterans' license plate; providing
47 qualifications and requirements for the plates;
48 creating s. 320.0892, F.S.; providing for the
49 Department of Highway Safety and Motor Vehicles to
50 issue Silver Star, Distinguished Service Cross, Navy
51 Cross, and Air Force Cross license plates, without
52 payment of the license tax, to persons meeting
53 specified criteria; creating s. 683.146, F.S.;
54 designating August 7 of each year as "Purple Heart
55 Day"; providing a short title; creating a court
56 program for certain servicemembers and military
57 veterans who suffer from mental illness, traumatic
58 brain injury, substance use disorder, or psychological

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59 problems as a result of their military service;
60 providing qualifications for entrance into the court
61 program; amending s. 948.08, F.S.; creating a pretrial
62 veterans' and servicemembers' treatment intervention
63 program; providing requirements for a defendant to be
64 voluntarily admitted to the pretrial program;
65 providing certain exceptions to such admission;
66 providing for the disposition of pending charges
67 following a defendant's completion of the pretrial
68 intervention program; providing for the charges to be
69 expunged under certain circumstances; amending s.
70 948.16, F.S.; creating a misdemeanor pretrial
71 veterans' treatment intervention program; providing
72 requirements for voluntary admission to the
73 misdemeanor pretrial program; providing for the
74 misdemeanor charges to be expunged under certain
75 circumstances; exempting treatment services provided
76 by the Department of Veterans' Affairs or the United
77 States Department of Veterans Affairs from certain
78 contract requirements; creating s. 948.21, F.S.;

79 authorizing the court to impose a condition of
80 probation or community control for certain defendant
81 veterans or servicemembers which requires
82 participation in a treatment program capable of
83 treating a mental illness, a traumatic brain injury, a
84 substance use disorder, or a psychological problem;
85 amending s. 1003.05, F.S.; requiring that a school
86 board provide an option to school-aged dependents of
87 military personnel to choose certain schools if the

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88 student is reassigned as a result of school rezoning;
89 creating s. 1004.075, F.S.; requiring certain Florida
90 College System institutions and state universities to
91 provide priority course registration for veterans;
92 providing eligibility requirements; creating s.
93 1005.09, F.S.; encouraging certain independent
94 postsecondary educational institutions to provide
95 priority course registration for veterans; amending s.
96 1009.21, F.S.; providing that veterans of the Armed
97 Services of the United States, including reserve
98 components thereof, who attend the physical location
99 of a public college, university, or institution of
100 higher learning within the state are residents for
101 tuition purposes; providing effective dates.

102
103 Be It Enacted by the Legislature of the State of Florida:

104
105 Section 1. Section 220.1893, Florida Statutes, is created
106 to read:

107 220.1893 National Guard Employment Tax Credit Program.—

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

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

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

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

114 1. Who is a current Florida National Guard member in good
115 standing, as verified by the Adjutant General of the Florida
116 National Guard, and has been unemployed for more than 6 months

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117 or is returning from duty abroad;

118 2. Who was hired by an eligible business on or after July
119 1, 2012, and had not previously been employed by the eligible
120 business or its parent or an affiliated corporation;

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

125 4. Whose employment by the eligible business has not formed
126 the basis for any other claim to a credit pursuant to this
127 chapter.

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

131 (a) Corporate income taxes under chapter 220.

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

133 (c) Taxes on sales, use, and other transactions under
134 chapter 212.

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

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

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

138 (g) State communications services taxes administered under
139 chapter 202. This paragraph does not apply to the gross receipts
140 tax imposed under chapter 203 and administered under chapter 202
141 or the local communications services tax authorized under s.
142 202.19.

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

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146 1. The name, address, and NAICS identifying code of the
147 eligible business. As used in this subsection, "NAICS" means
148 those classifications contained in the North American Industry
149 Classification System, as published in 2007 by the Office of
150 Management and Budget, Executive Office of the President.

151 2. Relevant employment information.

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

155 4. Verification that the wages paid by the eligible
156 business to each of its qualified employees exceeds the wage
157 eligibility levels for Medicaid and other public assistance
158 programs.

159 5. Any other information necessary to process the
160 application.

161 (b) The Department of Economic Opportunity shall process
162 applications to certify a business in the order in which the
163 applications are received, without regard as to whether the
164 applicant is a new or an existing business. The department shall
165 review and approve or deny an application within 10 days after
166 receiving a completed application. The department shall notify
167 the applicant in writing as to the department's decision.

168 (c)1. The department shall submit a copy of the letter of
169 certification to the Department of Revenue within 10 days after
170 the department issues the letter of certification to the
171 applicant.

172 2. If the application of an eligible business is not
173 sufficient to certify the applicant business, the department
174 must deny the application and issue a notice of denial to the

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175 applicant.

176 3. If the application of an eligible business does not
177 contain sufficient documentation of the number of qualified
178 employees, the department shall approve the application with
179 respect to the employees for whom the department determines are
180 qualified employees. The department must deny the application
181 with respect to persons for whom the department determines are
182 not qualified employees or for whom insufficient documentation
183 has been provided. A business may not submit a revised
184 application for certification or for the determination of a
185 person as a qualified employee more than 3 months after the
186 issuance of a notice of denial with respect to the business or a
187 particular person as a qualified employee.

188 (4) The applicant for a tax credit under this section has
189 the responsibility to affirmatively demonstrate to the
190 satisfaction of the department and the Department of Revenue
191 that the applicant and the persons claimed as qualified
192 employees meet the requirements of this section.

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

196 (6) A tax credit amount that is granted under this section
197 which is not fully used in the first year for which it becomes
198 available may be carried forward to the subsequent taxable year.
199 The carryover credit may be used in the subsequent year if the
200 tax imposed by this chapter for such year exceeds the credit for
201 such year under this section after applying the other credits
202 and unused credit carryovers in the order provided in s.
203 220.02(8).

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204 (7) A person who fraudulently claims a credit under this
205 section is liable for repayment of the credit plus a mandatory
206 penalty of 100 percent of the credit. Such person also commits a
207 misdemeanor of the second degree, punishable as provided in s.
208 775.082 or s. 775.083.

209 (8) The department may adopt rules governing the manner and
210 form of applications for the tax credit. The department may
211 establish guidelines for making an affirmative showing of
212 qualification for the tax credit under this section.

213 (9) The Department of Revenue may adopt rules to administer
214 this section, including rules relating to the creation of forms
215 to claim a tax credit and examination and audit procedures
216 required to administer this section.

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

223 Section 2. Section 265.003, Florida Statutes, is amended to
224 read:

225 265.003 Florida Veterans' Hall of Fame.—

226 (1) It is the intent of the Legislature to recognize and
227 honor those military veterans who, through their works and lives
228 during or after military service, have made a significant
229 contribution to the State of Florida.

230 (2) There is established the Florida Veterans' Hall of
231 Fame.

232 (a) The Florida Veterans' Hall of Fame is administered by

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233 the Florida Department of Veterans' Affairs without
234 appropriation of state funds.

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

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

242 (3) (a) The Florida Veterans' Hall of Fame Council is
243 created within the Department of Veterans' Affairs as an
244 advisory council, as defined in s. 20.03(7), consisting of seven
245 members who shall all be honorably discharged veterans, and at
246 least four of whom must be members of a congressionally
247 chartered veterans service organization. The Governor, the
248 President of the Senate, the Speaker of the House of
249 Representatives, the Attorney General, the Chief Financial
250 Officer, the Commissioner of Agriculture, and the executive
251 director of the Department of Veterans' Affairs shall each
252 appoint one member. For the purposes of ensuring staggered
253 terms, the council members appointed by the Governor, the
254 Attorney General, the Chief Financial Officer, and the
255 Commissioner of Agriculture shall be appointed to 4-year terms
256 beginning on January 1 of the year of appointment, and the
257 council members appointed by the President of the Senate, the
258 Speaker of the House of Representatives, and the executive
259 director of the Department of Veterans' Affairs shall be
260 appointed to 2-year terms beginning on January 1 of the year of
261 appointment. After the initial appointments, all appointees

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262 shall be appointed to 4-year terms. A member whose term expires
263 shall continue to serve on the council until such time as a
264 replacement is appointed.

265 (b) The members shall annually elect a chair from among
266 their number. The council shall meet at the call of its chair,
267 at the request of the executive director of the Department of
268 Veterans' Affairs, or at such times as may be prescribed by the
269 council. A majority of the members of the council currently
270 appointed constitutes a quorum, and a meeting may not be held
271 unless a quorum is present. The affirmative vote of a majority
272 of the members of the council present is necessary for any
273 official action by the council.

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

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

283 (4)-(3)(a) The Florida Veterans' Hall of Fame Council
284 Department of Veterans' Affairs shall annually accept
285 nominations of persons to be considered for induction into the
286 Florida Veterans' Hall of Fame and shall ~~then~~ transmit a list of
287 up to 20 nominees ~~its recommendations~~ to the Department of
288 Veterans' Affairs for submission to the Governor and the Cabinet
289 who will select four persons from the list of the nominees to be
290 inducted.

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291 (b) In selecting its nominees for submission ~~making its~~
292 ~~recommendations~~ to the Governor and the Cabinet, the Florida
293 Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~
294 shall give preference to veterans who were born in Florida or
295 adopted Florida as their home state or base of operation and who
296 have made a significant contribution to the state in civic,
297 business, public service, or other pursuits.

298 ~~(5)-(4)~~ The Florida Veterans' Hall of Fame Council
299 ~~Department of Veterans' Affairs~~ may establish criteria and set
300 specific time periods for acceptance of nominations and for the
301 process of selection of nominees for membership and establish a
302 formal induction ceremony to coincide with the annual
303 commemoration of Veterans' Day.

304 Section 3. Section 295.187, Florida Statutes, is amended to
305 read:

306 295.187 Florida ~~Service-Disabled~~ Veteran Business
307 Enterprise Opportunity Act.—

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

310 (2) INTENT.—It is the intent of the Legislature to rectify
311 the economic disadvantage of service-disabled veterans, who are
312 statistically the least likely to be self-employed when compared
313 to the veteran population as a whole and who have made
314 extraordinary sacrifices on behalf of the nation, the state, and
315 the public, by providing opportunities for service-disabled
316 veteran business enterprises as set forth in this section. The
317 Legislature also intends to recognize wartime veterans and
318 veterans of a period of war for their sacrifices as set forth in
319 this section.

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

321 (a) "Certified ~~service-disabled~~ veteran business
322 enterprise" means a business that has been certified by the
323 Department of Management Services to be a ~~service-disabled~~
324 veteran business enterprise as defined in paragraph (c).

325 (b) "Service-disabled veteran" means a veteran who is a
326 permanent Florida resident with a service-connected disability
327 as determined by the United States Department of Veterans
328 Affairs or who has been terminated from military service by
329 reason of disability by the United States Department of Defense.

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

332 1. Employs 200 or fewer permanent full-time employees;

333 2. Together with its affiliates has a net worth of \$5
334 million or less or, if a sole proprietorship, has a net worth of
335 \$5 million or less including both personal and business
336 investments;

337 3. Is organized to engage in commercial transactions;

338 4. Is domiciled in this state;

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

341 6. The management and daily business operations of which
342 are controlled by one or more wartime veterans or service-
343 disabled veterans or, for a service-disabled veteran having with
344 a permanent and total disability, by the spouse or permanent
345 caregiver of the veteran.

346 (d) "Wartime veteran" means:

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

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

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349 1521, who served in the active military, naval, or air service:

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

351 b. During a period of war and was discharged or released
352 from such service for a service-connected disability;

353 c. For a period of 90 consecutive days or more and such
354 period began or ended during a period of war; or

355 d. For an aggregate of 90 days or more in two or more
356 separate periods of service during more than one period of war.

357 (4) VENDOR PREFERENCE.—

358 (a) A state agency, when considering two or more bids,
359 proposals, or replies for the procurement of commodities or
360 contractual services, at least one of which is from a certified
361 ~~service-disabled~~ veteran business enterprise, which ~~that~~ are
362 equal with respect to all relevant considerations, including
363 price, quality, and service, shall award such procurement or
364 contract to the certified ~~service-disabled~~ veteran business
365 enterprise.

366 (b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~
367 veteran business enterprise entitled to the vendor preference
368 under this section and one or more businesses entitled to this
369 preference or another vendor preference provided by law submit
370 bids, proposals, or replies for procurement of commodities or
371 contractual services which ~~that~~ are equal with respect to all
372 relevant considerations, including price, quality, and service,
373 ~~then~~ the state agency shall award the procurement or contract to
374 the business having the smallest net worth.

375 (c) Political subdivisions of the state are encouraged to
376 offer a similar consideration to businesses certified under this
377 section.

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378 (5) CERTIFICATION PROCEDURE.—

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

381 1. The name of the business enterprise applying for
382 certification and the name of the ~~service-disabled~~ veteran
383 submitting the application on behalf of the business enterprise.

384 2. The names of all owners of the business enterprise,
385 including owners who are wartime veterans, service-disabled
386 veterans, and owners who are not a wartime veteran or a service-
387 disabled veteran ~~veterans~~, and the percentage of ownership
388 interest held by each owner.

389 3. The names of all persons involved in both the management
390 and daily operations of the business, including the spouse or
391 permanent caregiver of a veteran who has ~~with~~ a permanent and
392 total disability.

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

397 5. Documentation of the wartime service of all persons
398 listed under subparagraphs 1., 2., and 3., as applicable, from
399 the United States Department of Veterans Affairs or the United
400 States Department of Defense.

401 ~~6.5.~~ The number of permanent full-time employees.

402 ~~7.6.~~ The location of the business headquarters.

403 ~~8.7.~~ The total net worth of the business enterprise and its
404 affiliates. In the case of a sole proprietorship, the net worth
405 includes personal and business investments.

406 (b) To maintain certification, a ~~service-disabled~~ veteran

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407 business enterprise shall renew its certification biennially.

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

411 (d) A certified ~~service-disabled~~ veteran business
412 enterprise must notify the Department of Management Services
413 within 30 business days after any event that may significantly
414 affect the certification of the business, including, but not
415 limited to, a change in ownership or change in management and
416 daily business operations.

417 (e) The certification of a ~~service-disabled~~ veteran
418 business enterprise shall be revoked for 12 months if the
419 Department of Management Services determines that the business
420 enterprise violated paragraph (d). An owner of a certified
421 ~~service-disabled~~ veteran business enterprise whose certification
422 is revoked may ~~is~~ not ~~permitted to~~ reapply for certification
423 under this section as an owner of any business enterprise during
424 the 12-month revocation period.

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

429 2. A ~~service-disabled~~ veteran business enterprise whose
430 certification has been revoked may apply for certification at
431 the conclusion of the 12-month revocation period by complying
432 with requirements applicable to initial certifications.

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

435 (a) Assist the Department of Management Services in

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436 establishing a certification procedure, which shall be reviewed
437 biennially and updated as necessary.

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

441 (c) Encourage and assist eligible ~~service-disabled~~ veteran
442 business enterprises to apply for certification under this
443 section.

444 (d) Provide information regarding services that are
445 available from the Office of Veterans' Business Outreach of the
446 Florida Small Business Development Center to ~~service-disabled~~
447 veteran business enterprises.

448 (7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The
449 department shall:

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

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

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

458 (8) REPORT.—The Small Business Development Center shall
459 include in its report required by s. 288.705 the percentage of
460 certified ~~service-disabled~~ veteran business enterprises using
461 the statewide contracts register.

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

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

467 320.08056 Specialty license plates.—

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

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

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

473 320.08058 Specialty license plates.—

474 (79) AMERICAN LEGION LICENSE PLATES.—

475 (a) Upon American Legion, Department of Florida, meeting
476 the requirements of s. 320.08053, the department shall develop a
477 American Legion license plate as provided in this section. The
478 plate must bear the colors and design approved by the department
479 and must incorporate the American Legion emblem as adopted by
480 the American Legion on June 9, 1919, and patented on December 9
481 of that same year. The word "Florida" must appear at the top of
482 the plate, and the words "American Legion" must appear at the
483 bottom of the plate.

484 (b) The annual use fees shall be distributed to the
485 American Legion, Department of Florida which shall retain the
486 initial revenues from the sale of the plates until all startup
487 costs incurred in the development and approval of the plates
488 have been reimbursed. Thereafter, the proceeds shall be
489 distributed as follows:

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

492 a. To support Boys State in Florida, the Veteran Affairs
493 and Rehabilitation program, and the Gilchrist Endowment Fund;

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494 and

495 b. For administration and marketing of the license plate,
496 not to exceed 10 percent of the amount of the proceeds
497 distributed to the American Legion, Department of Florida.

498 2. Twenty percent of the proceeds shall be distributed to
499 the direct-support organization created under s. 292.055 under
500 the Department of Veterans' Affairs.

501 3. Twenty percent of the proceeds shall be distributed to
502 the direct-support organization created under s. 250.115 under
503 the Department of Military Affairs.

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

506 320.089 Members of National Guard and active United States
507 Armed Forces reservists; former prisoners of war; survivors of
508 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
509 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
510 Badge recipients; Vietnam War Veterans; Korean Conflict
511 Veterans; special license plates; fee.-

512 (1) (a) Each owner or lessee of an automobile or truck for
513 private use or recreational vehicle as specified in s.
514 320.08(9)(c) or (d), which is not used for hire or commercial
515 use, who is a resident of the state and an active or retired
516 member of the Florida National Guard, a survivor of the attack
517 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
518 active or retired member of any branch of the United States
519 Armed Forces Reserve, or a recipient of the Combat Infantry
520 Badge shall, upon application to the department, accompanied by
521 proof of active membership or retired status in the Florida
522 National Guard, proof of membership in the Pearl Harbor

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523 Survivors Association or proof of active military duty in Pearl
524 Harbor on December 7, 1941, proof of being a Purple Heart medal
525 recipient, ~~or~~ proof of active or retired membership in any
526 branch of the Armed Forces Reserve, or proof of membership in
527 the Combat Infantrymen's Association, Inc., or other proof of
528 being a recipient of the Combat Infantry Badge, and upon payment
529 of the license tax for the vehicle as provided in s. 320.08, be
530 issued a license plate as provided by s. 320.06, upon which, in
531 lieu of the serial numbers prescribed by s. 320.06, shall be
532 stamped the words "National Guard," "Pearl Harbor Survivor,"
533 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
534 Badge," as appropriate, followed by the serial number of the
535 license plate. Additionally, the Purple Heart plate may have the
536 words "Purple Heart" stamped on the plate and the likeness of
537 the Purple Heart medal appearing on the plate.

538 (b) Notwithstanding any other provision of law to the
539 contrary, beginning with fiscal year 2002-2003 and annually
540 thereafter, the first \$100,000 in general revenue generated from
541 the sale of license plates issued under this section shall be
542 deposited into the Grants and Donations Trust Fund, as described
543 in s. 296.38(2), to be used for the purposes established by law
544 for that trust fund. Any additional general revenue generated
545 from the sale of such plates shall be deposited into the State
546 Homes for Veterans Trust Fund and used solely to construct,
547 operate, and maintain domiciliary and nursing homes for
548 veterans, subject to the requirements of chapter 216.

549 (c) Notwithstanding any provisions of law to the contrary,
550 an applicant for a Pearl Harbor Survivor license plate or a
551 Purple Heart license plate who also qualifies for a disabled

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552 veteran's license plate under s. 320.084 shall be issued the
553 appropriate special license plate without payment of the license
554 tax imposed by s. 320.08.

555 (2) Each owner or lessee of an automobile or truck for
556 private use, truck weighing not more than 7,999 pounds, or
557 recreational vehicle as specified in s. 320.08(9)(c) or (d),
558 which is not used for hire or commercial use, who is a resident
559 of the state and who is a former prisoner of war, or their
560 unremarried surviving spouse, shall, upon application therefor
561 to the department, be issued a license plate as provided in s.
562 320.06, on which license plate are stamped the words "Ex-POW"
563 followed by the serial number. Each application shall be
564 accompanied by proof that the applicant meets the qualifications
565 specified in paragraph (a) or paragraph (b).

566 (a) A citizen of the United States who served as a member
567 of the Armed Forces of the United States or the armed forces of
568 a nation allied with the United States who was held as a
569 prisoner of war at such time as the Armed Forces of the United
570 States were engaged in combat, or their unremarried surviving
571 spouse, may be issued the special license plate provided for in
572 this subsection without payment of the license tax imposed by s.
573 320.08.

574 (b) A person who was serving as a civilian with the consent
575 of the United States Government, or a person who was a member of
576 the Armed Forces of the United States who was not a United
577 States citizen and was held as a prisoner of war when the Armed
578 Forces of the United States were engaged in combat, or their
579 unremarried surviving spouse, may be issued the special license
580 plate provided for in this subsection upon payment of the

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581 license tax imposed by s. 320.08.

582 (3) Each owner or lessee of an automobile or truck for
583 private use, truck weighing not more than 7,999 pounds, or
584 recreational vehicle as specified in s. 320.08(9)(c) or (d),
585 which is not used for hire or commercial use, who is a resident
586 of this state and who is the unremarried surviving spouse of a
587 recipient of the Purple Heart medal shall, upon application
588 therefor to the department, with the payment of the required
589 fees, be issued a license plate as provided in s. 320.06, on
590 which license plate are stamped the words "Purple Heart" and the
591 likeness of the Purple Heart medal followed by the serial
592 number. Each application shall be accompanied by proof that the
593 applicant is the unremarried surviving spouse of a recipient of
594 the Purple Heart medal.

595 (4) The owner or lessee of an automobile or truck for
596 private use, a truck weighing not more than 7,999 pounds, or a
597 recreational vehicle as specified in s. 320.08(9)(c) or (d)
598 which automobile, truck, or recreational vehicle is not used for
599 hire or commercial use who is a resident of the state and a
600 current or former member of the United States military who was
601 deployed and served in Iraq during Operation Iraqi Freedom or in
602 Afghanistan during Operation Enduring Freedom shall, upon
603 application to the department, accompanied by proof of active
604 membership or former active duty status during one of these
605 operations, and upon payment of the license tax for the vehicle
606 as provided in s. 320.08, be issued a license plate as provided
607 by s. 320.06 upon which, in lieu of the registration license
608 number prescribed by s. 320.06, shall be stamped the words
609 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as

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610 appropriate, followed by the registration license number of the
611 plate.

612 (5) The owner or lessee of an automobile or truck for
613 private use, a truck weighing not more than 7,999 pounds, or a
614 recreational vehicle as specified in s. 320.08(9)(c) or (d)
615 which automobile, truck, or recreational vehicle is not used for
616 hire or commercial use, who is a resident of the state and a
617 current or former member of the United States military, and who
618 was deployed and served in Vietnam during United States military
619 deployment in Indochina shall, upon application to the
620 department, accompanied by proof of active membership or former
621 active duty status during these operations, and upon payment of
622 the license tax for the vehicle as provided in s. 320.08, be
623 issued a license plate as provided by s. 320.06 upon which, in
624 lieu of the registration license number prescribed by s. 320.06,
625 shall be stamped the words "Vietnam War Veteran," followed by
626 the registration license number of the plate.

627 (6) The owner or lessee of an automobile or truck for
628 private use, a truck weighing not more than 7,999 pounds, or a
629 recreational vehicle as specified in s. 320.08(9)(c) or (d)
630 which automobile, truck, or recreational vehicle is not used for
631 hire or commercial use, who is a resident of the state and a
632 current or former member of the United States military, and who
633 was deployed and served in Korea during United States military
634 deployment in Korea shall, upon application to the department,
635 accompanied by proof of active membership or former active duty
636 status during these operations, and upon payment of the license
637 tax for the vehicle as provided in s. 320.08, be issued a
638 license plate as provided by s. 320.06 upon which, in lieu of

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639 the registration license number prescribed by s. 320.06, shall
640 be stamped the words "Korean Conflict Veteran," followed by the
641 registration license number of the plate.

642 Section 7. Section 320.0892, Florida Statutes is created to
643 read:

644 320.0892 Motor vehicle license plates for recipients of the
645 Silver Star, Distinguished Service Cross, Navy Cross, or Air
646 Force Cross.—Upon receipt of an application and proof that the
647 applicant meets the qualifications listed in this section for
648 the applicable license plate, the department shall issue the
649 license plate without payment of the license tax imposed under
650 s. 320.08:

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

656 (2) DISTINGUISHED SERVICE CROSS.—Any United States citizen
657 who is a resident of this state and who was awarded the
658 Distinguished Service Cross while serving as a member of the
659 United States Armed Forces shall be issued a license plate on
660 which is stamped the words "Distinguished Service Cross"
661 followed by the serial number.

662 (3) NAVY CROSS.—Any United States citizen who is a resident
663 of this state and who was awarded the Navy Cross while serving
664 as a member of the United States Armed Forces shall be issued a
665 license plate on which is stamped the words "Navy Cross"
666 followed by the serial number.

667 (4) AIR FORCE CROSS.—Any United States citizen who is a

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668 resident of this state and who was awarded the Air Force Cross
669 while serving as a member of the United States Armed Forces
670 shall be issued a license plate on which is stamped the words
671 "Air Force Cross" followed by the serial number.

672 Section 8. Section 683.146, Florida Statutes, is created to
673 read:

674 683.146 Purple Heart Day.—

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

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

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

685 Section 10. Military veterans and servicemembers court
686 program.—The chief judge of each judicial circuit may establish
687 a military veterans and servicemembers court program under which
688 veterans, as defined in s. 1.01, Florida Statutes, and
689 servicemembers, as defined in s. 250.01, Florida Statutes, who
690 are convicted of or charged with a criminal offense and who
691 suffer from a mental illness, traumatic brain injury, substance
692 use disorder, or psychological problem as a result of their
693 military service are eligible to participate. Upon a conviction,
694 an eligible military veteran or servicemember may be sentenced
695 in such a manner as to appropriately address the severity of the
696 mental illness, traumatic brain injury, substance use disorder,

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697 or psychological problem through services tailored to the
698 individual needs of the participant. Entry into any military
699 veterans and servicemembers court program must be based upon the
700 sentencing court's assessment of the defendant's criminal
701 history, military service, need for substance use treatment,
702 need for mental health treatment, amenability to the services of
703 the program, the advisory recommendation of the state attorney
704 and the victim, if any, and the defendant's agreement to enter
705 the program.

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

709 948.08 Pretrial intervention program.—

710 (7) (a) Notwithstanding any provision of this section, a
711 person who is charged with a felony, other than a felony listed
712 in s. 948.06(8)(c), and identified as a servicemember, as
713 defined in s. 250.01, or veteran, as defined in s. 1.01, who
714 suffers from a military service-related mental illness,
715 traumatic brain injury, substance use disorder, or psychological
716 problem, is eligible for voluntary admission into a pretrial
717 veterans' treatment intervention program approved by the chief
718 judge of the circuit, upon motion of either party or the court's
719 own motion, except:

720 1. If a defendant was previously offered admission to a
721 pretrial veterans' treatment intervention program at any time
722 before trial and the defendant rejected that offer on the
723 record, the court may deny the defendant's admission to such a
724 program.

725 2. If a defendant previously entered a court-ordered

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726 veterans' treatment program, the court may deny the defendant's
727 admission into the pretrial veterans' treatment program.

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

749 (c) At the end of the pretrial intervention period, the
750 court shall consider the recommendation of the treatment program
751 and the recommendation of the state attorney as to disposition
752 of the pending charges. The court shall determine, by written
753 finding, whether the defendant has successfully completed the
754 pretrial intervention program. If the court finds that the

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755 defendant has not successfully completed the pretrial
756 intervention program, the court may order the person to continue
757 in education and treatment, which may include treatment programs
758 offered by licensed service providers or jail-based treatment
759 programs, or order that the charges revert to normal channels
760 for prosecution. The court shall dismiss the charges upon a
761 finding that the defendant has successfully completed the
762 pretrial intervention program.

763 Section 12. Section 948.16, Florida Statutes, is amended to
764 read:

765 948.16 Misdemeanor pretrial substance abuse education and
766 treatment intervention program; misdemeanor pretrial veterans'
767 treatment intervention program.—

768 (1) (a) A person who is charged with a misdemeanor for
769 possession of a controlled substance or drug paraphernalia under
770 chapter 893, and who has not previously been convicted of a
771 felony nor been admitted to a pretrial program, is eligible for
772 voluntary admission into a misdemeanor pretrial substance abuse
773 education and treatment intervention program, including a
774 treatment-based drug court program established pursuant to s.
775 397.334, approved by the chief judge of the circuit, for a
776 period based on the program requirements and the treatment plan
777 for the offender, upon motion of either party or the court's own
778 motion, except, if the state attorney believes the facts and
779 circumstances of the case suggest the defendant is involved in
780 dealing and selling controlled substances, the court shall hold
781 a preadmission hearing. If the state attorney establishes, by a
782 preponderance of the evidence at such hearing, that the
783 defendant was involved in dealing or selling controlled

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784 substances, the court shall deny the defendant's admission into
785 the pretrial intervention program.

786 (b) While enrolled in a pretrial intervention program
787 authorized by this section, the participant is subject to a
788 coordinated strategy developed by a drug court team under s.
789 397.334(4). The coordinated strategy may include a protocol of
790 sanctions that may be imposed upon the participant for
791 noncompliance with program rules. The protocol of sanctions may
792 include, but is not limited to, placement in a substance abuse
793 treatment program offered by a licensed service provider as
794 defined in s. 397.311 or in a jail-based treatment program or
795 serving a period of incarceration within the time limits
796 established for contempt of court. The coordinated strategy must
797 be provided in writing to the participant before the participant
798 agrees to enter into a pretrial treatment-based drug court
799 program or other pretrial intervention program. Any person whose
800 charges are dismissed after successful completion of the
801 treatment-based drug court program, if otherwise eligible, may
802 have his or her arrest record and plea of nolo contendere to the
803 dismissed charges expunged under s. 943.0585.

804 (2) (a) A servicemember, as defined in s. 250.01, or
805 veteran, as defined in s. 1.01, who suffers from a military
806 service-related mental illness, traumatic brain injury,
807 substance use disorder, or psychological problem, and who is
808 charged with a misdemeanor is eligible for voluntary admission
809 into a misdemeanor pretrial veterans' treatment intervention
810 program approved by the chief judge of the circuit, for a period
811 based on the program's requirements and the treatment plan for
812 the offender, upon motion of either party or the court's own

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813 motion. However, the court may deny the defendant admission into
814 a misdemeanor pretrial veterans' treatment intervention program
815 if the defendant has previously entered a court-ordered
816 veterans' treatment program.

817 (b) While enrolled in a pretrial intervention program
818 authorized by this section, the participant shall be subject to
819 a coordinated strategy developed by a veterans' treatment
820 intervention team. The coordinated strategy should be modeled
821 after the therapeutic jurisprudence principles and key
822 components in s. 397.334(4), with treatment specific to the
823 needs of servicemembers and veterans. The coordinated strategy
824 may include a protocol of sanctions that may be imposed upon the
825 participant for noncompliance with program rules. The protocol
826 of sanctions may include, but need not be limited to, placement
827 in a treatment program offered by a licensed service provider or
828 in a jail-based treatment program or serving a period of
829 incarceration within the time limits established for contempt of
830 court. The coordinated strategy must be provided in writing to
831 the participant before the participant agrees to enter into a
832 misdemeanor pretrial veterans' treatment intervention program or
833 other pretrial intervention program. Any person whose charges
834 are dismissed after successful completion of the misdemeanor
835 pretrial veterans' treatment intervention program, if otherwise
836 eligible, may have his or her arrest record to the dismissed
837 charges expunged under s. 943.0585.

838 (3)~~(2)~~ At the end of the pretrial intervention period, the
839 court shall consider the recommendation of the treatment program
840 and the recommendation of the state attorney as to disposition
841 of the pending charges. The court shall determine, by written

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842 finding, whether the defendant successfully completed the
843 pretrial intervention program. Notwithstanding the coordinated
844 strategy developed by a drug court team pursuant to s.
845 397.334(4) or by the veterans' treatment intervention team, if
846 the court finds that the defendant has not successfully
847 completed the pretrial intervention program, the court may order
848 the person to continue in education and treatment or return the
849 charges to the criminal docket for prosecution. The court shall
850 dismiss the charges upon finding that the defendant has
851 successfully completed the pretrial intervention program.

852 (4)~~(3)~~ Any public or private entity providing a pretrial
853 substance abuse education and treatment program under this
854 section shall contract with the county or appropriate
855 governmental entity. The terms of the contract shall include,
856 but not be limited to, the requirements established for private
857 entities under s. 948.15(3). This requirement does not apply to
858 services provided by the Department of Veterans' Affairs or the
859 United States Department of Veterans Affairs.

860 Section 13. Section 948.21, Florida Statutes, is created to
861 read:

862 948.21 Condition of probation or community control;
863 military servicemembers and veterans.—Effective for a
864 probationer or community controllee whose crime was committed on
865 or after July 1, 2012, and who is a servicemember, as defined in
866 s. 250.01, or veteran, as defined in s. 1.01, who suffers from a
867 military service-related mental illness, traumatic brain injury,
868 substance use disorder, or psychological problem, the court may,
869 in addition to any other conditions imposed, impose a condition
870 requiring the probationer or community controllee to participate

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871 in a treatment program capable of treating the probationer or
872 community controllee's mental illness, traumatic brain injury,
873 substance use disorder, or psychological problem. The court
874 shall give preference to treatment programs for which the
875 probationer or community controllee is eligible through the
876 Department of Veterans' Affairs or the United States Department
877 of Veterans' Affairs.

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

880 1003.05 Assistance to transitioning students from military
881 families.—

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

887 (a) Recognizing the challenges faced by military students
888 and the importance of military families to our community and
889 economy, the Department of Education shall assist the transition
890 of these students by improving the timely transfer of records,
891 developing systems to ease student transition during the first 2
892 weeks of enrollment, promoting practices which foster access to
893 extracurricular programs, establishing procedures to lessen the
894 adverse impact of moves from the end of the junior year as well
895 as before and during the senior year, encouraging or continuing
896 partnerships between the military base and the school system,
897 providing services for transitioning students when applying to
898 and finding funding for postsecondary study, and providing other
899 assistance as identified by department, school, and military

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900 personnel.

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

905 Section 15. Section 1004.075, Florida Statutes, is created
906 to read:

907 1004.075 Priority course registration for veterans.—Each
908 Florida College System institution and state university that
909 offers priority course registration for a segment of the student
910 population, or upon implementation of priority course
911 registration for a segment of the student population, shall
912 provide priority course registration for each veteran of the
913 United States Armed Forces. Priority registration shall be given
914 to the spouse or a dependent child of the veteran to whom GI
915 Bill educational benefits have been transferred. Each eligible
916 veteran shall be granted priority for course registration for
917 the duration of his or her attendance at a Florida College
918 System institution and state university if priority registration
919 is offered. A spouse or dependent child shall also be granted
920 priority for registration until the expiration of the GI Bill
921 educational benefits.

922 Section 16. Section 1005.09, Florida Statutes, is created
923 to read:

924 1005.09 Priority course registration for veterans.—Each
925 independent postsecondary educational institution that is under
926 the jurisdiction of the commission or is exempt from the
927 jurisdiction of the commission and that offers priority course
928 registration for a segment of the student population, or upon

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929 implementation of priority course registration for a segment of
930 the student population, is encouraged to provide priority course
931 registration for each veteran of the United States Armed Forces,
932 or his or her spouse or dependent children, who is receiving GI
933 Bill educational benefits, in accordance with s. 1004.075.

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

938 1009.21 Determination of resident status for tuition
939 purposes.—Students shall be classified as residents or
940 nonresidents for the purpose of assessing tuition in
941 postsecondary educational programs offered by charter technical
942 career centers or career centers operated by school districts,
943 in Florida College System institutions, and in state
944 universities.

945 (10) The following persons shall be classified as residents
946 for tuition purposes:

947 (c) Veterans of the Armed Services of the United States,
948 including reserve components thereof, who attend the physical
949 location of a public college, university, or institution of
950 higher learning within the state.

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