

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1091 Military Affairs
SPONSOR(S): Appropriations Committee, Steube
TIED BILLS: **IDEN./SIM. BILLS:** SB 1296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	11 Y, 0 N	Renner	Kiner
2) Appropriations Committee	26 Y, 0 N, As CS	Proctor	Leznoff
3) Local & Federal Affairs Committee	14 Y, 0 N	Renner	Kiner

SUMMARY ANALYSIS

The bill addresses outreach to veterans, support for student veterans at public colleges and universities, and absentee voting for military personnel. Specifically the bill:

- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written information on federal, state, and local veterans benefit services;
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent military members to electronically submit voted ballots; and
- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

The bill has an insignificant negative fiscal impact on the Department of State for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force, and the Department of Highway Safety and Motor Vehicles for the cost to redesign and develop new application forms to include a new voluntary check-off for honorably discharged veterans who request written information for veteran services programs.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Veterans' Information Check-Offs

Present Situation

Voluntary Contributions on Driver License/Identification Card Applications

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver's license or identification card application (Voluntary Check-Offs). The contribution allows a person applying for, renewing, or replacing a Florida driver's license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to the Department of Highway Safety and Motor Vehicles (DHSMV) at least 90 days before the convening of the next regular session of the Legislature:

- A request for the contribution describing it in general terms;
- An application fee of not more than \$10,000 to defray DHSMV's costs for reviewing the application and developing the new check-off. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.¹

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.²

Section 215.20, F.S., provides for an eight percent service charge on all income that is of a revenue nature and that is deposited in trust funds. The service charge is deposited in the General Revenue Fund. However, certain driver's license or identification card application contributions that are not classified as income of a revenue nature are excluded from this General Revenue Fund service charge.

Florida Vets Connect Initiative

In 2010, DHSMV and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect initiative. The initiative allows veterans to voluntarily identify their veteran status to DHSMV when applying for or renewing a driver license or identification card. Pursuant to a memorandum of understanding, once the driver's license record data is exchanged³ between the two agencies, the contact information is then forwarded to FDVA to be used to ensure Florida's veterans are provided information regarding benefits to which they may be entitled.⁴ According to FDVA, it receives the veterans' contact information (which includes email addresses) from DHSMV and then emails benefits information to the recipient. In 2014, 50,350 emails were sent out. The following chart depicts the rate that FDVA sent emails to recipients on a monthly basis during the 2014 calendar year:

¹ s. 322.081(1), F.S.

² s. 322.081(4)(a), F.S.

³ Florida Department of Highway Safety and Motor Vehicles, Memorandum of Understanding (MOU), DHSMV Contract No.: HSMV-0607—13, May 1, 2013.

⁴ Florida CFO Press Release, "Florida Vets Connect' Connects Nearly 30,000 Florida Veterans with Benefits", February 10, 2010; available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3738> (Last visited March 5, 2015).

Month	Emails Sent
January	4,577
February	6,065
March	4,327
April	4,625
May	4,225
June	4,040
July	3,956
August	4,213
September	3,880
October	3,803
November	3,835
December	2,804

County and City Veteran Service Officers

Section 292.11, F.S., authorizes each county and city to employ a county or city veteran service officer to provide a myriad of assistance to veterans including presenting claims for and securing benefits or privileges to which veterans are or may become entitled by reason of their service in the military. County veteran service officers are county employees, but are certified by the FDVA.⁵ Each county currently employs a veteran service officer; however, not every city has a veteran service officer.⁶

Effect of Proposed Changes

The bill amends s. 322.08, F.S., to provide a voluntary check-off on the application form for an original, renewal, or replacement driver license or identification card to allow veterans of the U.S. Armed Forces to request written or electronic information on federal, state, and local benefits and services available to veterans. The veteran may elect to receive the information through the U.S. mail or by e-mail. The FDVA will select one or more third-party providers to act on the FDVA's behalf and deliver the requested information to the veteran.

The DHSMV and the FDVA will collaborate to administer the voluntary check-off. The DHSMV will report monthly to the FDVA the name and mailing address or e-mail address of each veteran who selects the voluntary check-off. The FDVA will then distribute the veterans' contact information to the third-party provider to administer delivery of veteran benefit and service information via the indicated preferred method of delivery (U.S. mail or e-mail). The FDVA will also disseminate the contact information for veterans who select the voluntary check-off to the appropriate county or city veteran service officer in order to facilitate further outreach to veterans.

The bill requires that a third-party provider selected by the FDVA to act on its behalf be a nonprofit organization with sufficient ability to communicate with veterans throughout the state. "Nonprofit organization" is defined as an organization exempt from the federal income tax under s. 501 of the Internal Revenue Code of 1986 or any federal, state, or local governmental entity.

Additionally, the bill requires that a veteran's contact information obtained by a third-party may only be used for purposes outlined in the bill, prohibits a third-party provider from selling a veteran's contact information, and requires a third-party to maintain confidentiality of the contact information in accordance with the public records laws in ch. 119, F.S., and the federal Driver's Privacy Protection Act of 1994.⁷ Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.⁸

⁵ s. 292.11(4), F.S.

⁶ Listing of Florida County Veteran Service Officers, available at http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf (last visited March 9, 2015)

⁷ 18 U.S.C. § 2721

⁸ A first degree misdemeanor is punishable by up to one year in county jail and a \$1,000 fine. Sections 775.082 and 775.083, F.S.

Creation of the Overseas Military Voting Assistance Task Force

Present Situation

Federal Absentee Ballots

The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires each state to permit absent uniformed services⁹ and overseas voters who apply for, but do not receive, a state absentee ballot to use a federal write-in absentee ballot (FWAB) to vote in a general, special, primary, and runoff election for federal office.¹⁰ Florida law expands the use of a FWAB to include federal races in any election, as well as state or local elections involving two or more candidates.¹¹

Absent uniformed services and overseas voters may obtain a FWAB through the Federal Voting Assistance Program (FVAP).¹² FVAP provides assistance for absent uniformed services and overseas voters. FVAP's website provides a step-by-step guide for voters to either request an absentee ballot or fill out a FWAB. The website includes information regarding how and where to mail the FWAB once completed.

Absent voters must mail FWABs to the supervisor of elections of the county where they reside. FWABs may be canvassed beginning at 7 p.m. on the day of the election.¹³

The Military and Overseas Voter Empowerment (MOVE) Act requires states to transmit validly-requested absentee ballots either by email, fax, or an online delivery system to UOCAVA voters no later than 45 days before a federal election, when the request has been received by that date, except where the state has been granted an undue hardship approved by the Department of Defense for that election.¹⁴ The MOVE Act does not require that states accept voted ballots electronically.

State Absentee Ballots

The UOCAVA requires each state to permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for federal office.¹⁵ Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures. Any voter may obtain an absentee ballot by submitting a request to his or her supervisor of elections in person, by phone, or in writing (online or by mail, fax, or e-mail).¹⁶ Absent uniformed services and overseas voters may receive their state absentee ballots by forwardable mail, e-mail, or fax machine transmission.¹⁷ The voter may designate in the absentee ballot request the preferred method of transmission.¹⁸ If the voter does not designate the method of transmission, the ballot must be delivered by mail.¹⁹

State absentee ballots for uniformed services and overseas voters may only be returned by mail, by fax, in person, or through someone else on behalf of the voter.²⁰ To be accepted and counted, the ballots must be received by the supervisor of elections by 7 p.m. on election day.²¹ For state absentee ballots returned by absent uniformed services and overseas voters in a presidential preference primary

⁹ 10 U.S. Code §101 defines "uniformed services" as the armed forces, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service.

¹⁰ 42 U.S.C.A. § 1973ff-1(a)

¹¹ s. 101.6952(2), F.S.

¹² Federal Voting Assistance Program, available at: <http://www.fvap.gov/> (last viewed March 4, 2015).

¹³ s. 101.6952(3)(b), F.S.

¹⁴ See Pub. L. No. 111-84, H.R. 2647, 111th Cong. (Oct. 28, 2009)

¹⁵ 42 U.S.C.A. § 1973ff-1(a)(1)

¹⁶ s. 101.62(1)(a)-(b), F.S.

¹⁷ s. 101.62(4)(c)2., F.S.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Rule 1S-2.030(4), F.A.C.

²¹ *Id.*

or general election, the ballot is counted if it is postmarked or dated no later than the date of the election, and it is received by the supervisor of elections no later than 10 days after the date of the election.²²

Effect of Proposed Changes

The bill creates the Overseas Military Voting Assistance Task Force (Task Force) to study the development and implementation of an online voting system that would allow an absent uniformed services voter to submit a voted absentee ballot electronically.

The Task Force must be composed of 20 members as follows:

- The Secretary of State or his or her designee, who must serve as chair.
- The Adjutant General or his or her designee.
- The executive director of the FDVA or his or her designee.
- The executive director of the Agency for State Technology or his or her designee.
- One member of the Senate appointed by the President of the Senate.
- One member of the House of Representatives appointed by the Speaker of the House of Representatives.
- One member of the Senate appointed by the Minority Leader of the Senate.
- One member of the House of Representatives appointed by the Minority Leader of the House of Representatives.
- One individual appointed by the Governor.
- Six supervisors of elections appointed by the Secretary of the State.
- Five individuals appointed by the Secretary of State who have relevant expertise in computer technology, the Internet, or other associated technologies.

Members of the Task Force must serve without compensation, but are entitled to reimbursement for per diem and travel expenses. The Division of Elections of the DOS must provide support staff for the Task Force and the Agency for State Technology must assist the Task Force upon request.

The Task Force must study and report on issues including, but not limited to:

- Any factor that limits the ability of an absent uniformed services voter to request, receive, and return a voted absentee ballot within the required time period.
- The costs associated with the development and implementation of an online voting system.
- The feasibility of an absent uniformed services voter using an online voting system to electronically submit a voted absentee ballot.
- The security of electronically submitting a voted absentee ballot through an online voting system.
- Procedures adopted by other states to facilitate greater electoral participation by absent uniformed services voters.

The Secretary of State must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2016, containing Task Force recommendations for the development and implementation of an online voting system that allows an absent uniformed services voter to electronically submit a voted absentee ballot.

Veterans' Training and Coursework

Present Situation

State Board of Education – Florida College System

The State Board of Education is the chief implementing and coordinating body of public education in Florida, except for the State University System.²³ In accordance with Article IX, Section 2, of the State Constitution, the State Board of Education is responsible for supervising the system of free public education as is provided by law and appoints the Commissioner of the Department of Education.

Some of the specific powers of the State Board of Education include adopting and periodically reviewing and revising the Florida Standards, classifying school services, designating certification subject areas, and establishing competencies and certification requirements for all school-based personnel.²⁴

There are 28 locally-governed public colleges in the Florida College System. While governed by local boards, the colleges are coordinated under the jurisdiction of the State Board of Education. Administratively, the Chancellor of Florida Colleges is the chief executive officer of the system, reporting to the Commissioner of Education who serves as the chief executive officer of Florida's K-20 System.²⁵

Board of Governors - State University System

The Board of Governors is the governing body for the State University System of Florida. In accordance with Article IX, Section 7(d), of the State Constitution, it is required to “operate, regulate, control, and be fully responsible for the management of the whole university system.” Currently, there are 12 institutions within the State University System.²⁶ The System enrolls over 337,000 students, offers nearly 1,800 degree programs at the baccalaureate, graduate, and professional levels, and annually awards over 81,000 degrees at all levels.²⁷

College Credit for Military Training

Section 1004.096, F.S., directs the Board of Governors to adopt regulations and the State Board of Education to adopt rules enabling eligible members of the U.S. Armed Forces to earn college-level credit for training and education they acquired while in the military. This appears to include active duty members.

The statute requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit. Such regulations and rules may decrease the amount of time and cost for service members to receive a postsecondary degree.

As a result, the Board of Governors and the State Board of Education have adopted regulations²⁸ and rules,²⁹ both requiring their respective institutions to adopt a policy and process that “enables students who are or were eligible members of the U.S. Armed Forces,” to earn appropriate academic college credit for college-level training and education acquired in the military. The phrase, “students who are eligible members of the U.S. Armed forces,” appears to address active duty servicemembers. The phrase, “students who were eligible members of the U.S. Armed Forces,” appears to address students who have separated from military service, including veterans.

Extending the benefit to students who were eligible members of the U.S. Armed Forces, thereby including veterans, appears to go further than the statutory requirement. However, because the statute

²³ s. 1001.02(1), F.S.

²⁴ s. 1001.03, F.S.

²⁵ Florida Department of Education website, About Us, available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us> (Last visited March 4, 2015).

²⁶ The State University System 2025 System Strategic Plan, page 5, available at: http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf (Last visited March 4, 2015).

²⁷ *Id.*

²⁸ BOG 6.013 Military Veterans and Active Duty.

²⁹ Rule 6A-14.0302, F.A.C.

does not specifically address active duty members or veterans, it is unclear whether veterans were intended to be included.

American Council on Education (ACE)

Since 1945, ACE has provided a collaborative link between the U.S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the U.S. Armed Forces.³⁰ ACE has established a rigid process in evaluating military services courses to determine the appropriate amount and level of academic credit that should be awarded by postsecondary institutions.

ACE maintains the *Guide to the Evaluation of Educational Experiences in the Armed Forces*³¹ which is a standard reference for recognizing learning acquired in the military. Under the BOG's regulation³², each university board of trustees must utilize this guide in order to determine equivalency and alignment of military coursework with appropriate university courses.

According to research, institutions of higher learning allow college credit to be granted for training received in the military if recommended by ACE. However, this does not appear to be a state requirement.

Priority Course Registration for Veterans

Section 1004.075, F.S., requires institutions within the Florida College System³³ and the State University System³⁴ to provide priority course registration for veterans. Specifically, institutions that offer priority course registration for a portion of its student population must also provide priority course registration for veterans of the U.S. Armed Forces and their eligible family members. In order for the benefit to apply, the recipient must be utilizing GI Bill educational benefits.

Effect of Proposed Changes

The bill provides legislative findings and intent to assist veterans in utilizing the training and coursework that they receive in the military in their pursuit of a public postsecondary degree.

Specifically, the bill provides legislative findings that many veterans of the U.S. Armed Forces in this state have completed training and coursework during military service, including overseas deployments, which result in tangible and quantifiable strides in their pursuit of a postsecondary degree.

In addition, the bill finds that the State Board of Education and the Board of Governors of the State University System must work together to ensure that military training and coursework are granted academic credit in order to assist veterans in continuing their education.

Further, the bill intends, not requires, for the State Board of Education and the Board of Governors work collaboratively to do the following:

- Align existing degree programs with applicable military training and experience to maximize academic credit awarded for such training and experience;
- Appoint and train specific faculty within each degree program at each institution as liaisons and contacts for veterans;

³⁰ American Council on Education, *Ace Military Programs*, available at <http://www.acenet.edu/news-room/Pages/Military-Programs-Main-Page.aspx> (last visited March 30, 2015)

³¹ American Council on Education, *Military Guide Online*, available at <http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx> (last visited March 30, 2015)

³² *Supra* at 18.

³³ *Id.*

³⁴ *Supra* at 18.

- Incorporate outreach services tailored to disabled veterans to inform disabled veterans of disability services provided by the USDVA, and other federal and state agencies, and private entities;
- Facilitate statewide meetings for campus personnel to discuss and develop best practices, exchange ideas and experiences, and hear presentations by individuals with expertise in the unique needs of veterans; and
- Provide veterans with sufficient courses required for graduation, including but not limited to, giving priority registration for veterans.

B. SECTION DIRECTORY:

Section 1. Amends s. 322.08, F.S., relating to the application for a license and the requirements for a license and identification card forms.

Section 2. Creates the Overseas Military Voting Assistance Task Force.

Section 3. Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

There is a negative fiscal impact to DHSMV for the estimated \$55,040 cost to redesign and develop new application forms to include a voluntary check-off that permits honorably discharged veterans to request written information for federal, state, and local veteran services programs. This includes programming hours that would be required for implementation, exclusive of planning and testing time. DHSMV can handle this impact with existing resources.

There is a negative fiscal impact to DOS for the reimbursement of per diem and travel expenses for the Military and Overseas Voting Assistance Task Force members. Additionally, the Division of Elections within DOS would provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this requirement could impact the ability of the Division to perform its regular duties during an election year and may require additional full-time employees.³⁵

There is an indeterminate but likely negative fiscal impact for providing information for programs to veterans by U.S. mail. Program expenses may include postage fees, packaging materials, technical and staff support.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

³⁵ Department of State HB 1091 agency analysis. On file with Veteran & Military Affairs Subcommittee staff.
STORAGE NAME: h1091e.LFAC
DATE: 4/1/2015

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2015, the House Appropriations Committee adopted one amendment and reported the bill favorable

The amendment made the following changes:

- Replaces “direct-support organization” with “third-party provider” selected by the FDVA to act on its behalf;
- Defines “third-party provider;”
- Allows a veteran to opt to receive the benefit information via U.S. mail or e-mail;
- Provides that only the veteran’s name and mailing address or e-mail address will be shared;
- Removes requirement that a veteran present a DD-214 to be able to participate in the check-off program;
- Changes frequency in which DHSMV will disseminate veterans’ contact information to the FDVA from quarterly to monthly;
- Provides that a third-party provider, instead of a county or city veteran service officer, will distribute the benefit information directly to veterans;
- Requires FDVA to disseminate veterans’ contact information to each county and city veteran service officer for optional outreach to veterans;
- Provides a criminal penalty for any person who sells a veteran’s contact information or who does not maintain confidentiality of a veteran’s contact information; and
- Revises the legislative intent regarding college and university student veteran support.

This analysis is drafted to the bill as passed by the House Appropriations Committee.