

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 1296

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Bean

SUBJECT: Military and Veterans Affairs

DATE: April 15, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Fox</u>	<u>Roberts</u>	<u>EE</u>	<u>Favorable</u>
3.	<u>Sneed</u>	<u>Miller</u>	<u>ATD</u>	<u>Favorable</u>
4.	<u>Sneed</u>	<u>Kynoch</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1296 is a wide-ranging veterans bill that:

- 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;
- 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;
- Establishes a voluntary check-off on driver license and identification card applications to allow a veteran to request written or electronic information on federal, state, and local benefits and services available to veterans;
- Waives driver license and identification card fees for combat veterans; and,
- Removes an existing provision that waives driver license and identification card fees for 100-percent total and permanent service-connected disabled veterans.

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

II. Present Situation:

Military Overseas Absentee Voters

Florida currently does not allow for the return of *voted* absentee ballots through an online system or by other Internet-related or electronic means, with the exception of overseas voters who may return their ballots via secure facsimile.¹

Regarding the general voting process for overseas voters, the federal Uniformed and Overseas Citizens Absentee Voting Act (“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. Florida law also permits the use of state absentee ballots for all state and local elections, merit retention, and ballot measures. An overseas voter can register to vote and request an absentee ballot at the same time by using the Federal Post Card Application (“FPCA”). The FPCA can be submitted by mail, e-mail, or fax if the overseas voter is already registered. If the overseas voter is not registered, the FPCA must be submitted by mail. An overseas voter may also obtain an absentee ballot by submitting a request to the supervisor of elections by telephone, mail, fax or e-mail. Absentee ballots are mailed to military and overseas voters no later than 45 days before each election. A voter can also request that the absentee ballot be faxed or e-mailed.

Additionally, the Federal Write-In Absentee Ballot (“FWAB”) is the emergency back-up absentee ballot that allows UOCAVA voters who have requested but not yet received their absentee ballot to vote in any election for federal office and any state or local election involving two or more candidates.² Overseas voters must return³ their voted absentee ballot or the FWAB to their local elections supervisor no later than 7:00 p.m. on Election Day (or no later than 10 days after Election Day for presidential preference primaries and general elections).

Veterans’ Training and Coursework

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.⁴ 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.

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.

¹ Section 101.697, F.S.; Rule 1S-2.030, F.A.C. Notwithstanding, the law directs the Department of State to adopt rules providing for the receipt of absentee ballots from “overseas” (civilian and military) voters by “secure electronic means,” if the Department of State determines such security can be established (i.e., verification of the voter, security of the transmission, etc.) section 101.697, F.S.

² Section 101.6952, F.S.

³ Overseas voters may return their voted ballot by mail, by secure fax, in person, or through someone else on behalf of the voter. Section 101.697, F.S.; Rule 1S-2.030, F.A.C.

⁴ Section 1001.02(1), F.S.

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.⁵

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 (SUS).⁶ The SUS 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.⁷

College Credit for Military Training and Education

Section 1004.096, F.S., requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the U.S. Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.⁸ Accordingly, Board of Governors Regulation 6.013 and Rule 6A-14.0302 of the Florida Administrative Code, require all Florida universities and colleges, respectively, to have an established policy and process in place for evaluating military training and education. Pursuant to both the rule and regulation, such military training and education must be recognized by the American Council on Education (ACE).

Priority Course Registration for Veterans

Section 1004.075, F.S., requires each Florida College System institution and state university to provide priority course registration for veterans receiving GI Bill benefits if the institution offers priority course registration for any segment of the student population.⁹ Additionally, a spouse or dependent child of a veteran to whom GI Bill benefits have been transferred are also entitled to priority course registration until the expiration of their GI Bill benefits.

Voluntary Contributions on Driver License/Identification Card Applications

The voluntary contribution process, also known as voluntary check-offs, provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a new or replacement driver license or identification card.¹⁰

⁵ Florida Department of Education website, About Us. Available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us>.

⁶ The State University System 2025 System Strategic Plan, p 5. Available at: http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf.

⁷ *Id.*

⁸ Chapter 2012-169, Laws of Fla.

⁹ Chapter 2012-159, Laws of Fla.

¹⁰ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 26 options for voluntary contributions. Section 322.08(7), F.S., provides driver license applicants with 19 options for voluntary contributions.

An organization that desires to receive a voluntary contribution must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver license and identification card applications. Both sections require the following:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee¹¹, not to exceed \$10,000, to defray the Department of Highway Safety and Motor Vehicles' (DHSMV) cost for reviewing the application and developing the voluntary contribution check off, if authorized; 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.

There are three veteran or military-related voluntary contributions authorized for driver license and identification card applications. An applicant may elect to contribute \$1 to the State Homes for Veterans Trust Fund, the Disabled American Veterans, and Support Our Troops, Inc.¹²

The Florida Vets Connect Program

In 2010, the DHSMV and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect Program to stimulate outreach efforts to veterans in Florida.¹³ Through the Florida Vets Connect Program, veterans have the opportunity to voluntarily identify their veteran status when applying for or renewing a Florida driver license or state of Florida identification card. Beginning in 2010, present on each driver license and identification card application is the option for an individual to indicate status as a veteran and interest in receiving information on benefits, services, and support available to veterans.¹⁴ The DHSMV and the FDVA entered into a Memorandum of Understanding to facilitate the sharing of a veteran's contact information from the DHSMV to the FDVA. The FDVA, through a third party provider, distributes general state of Florida veterans' benefits information via e-mail¹⁵ to those individuals who request such information on the driver license or identification card application.¹⁶ The FDVA distributed 50,350 e-mails during the 2014 calendar year under the Vets Connect Program.¹⁷ E-mails are distributed on a monthly basis.¹⁸

¹¹ State funds may not be used to pay the application fee.

¹² See Section 322.08(7)(n), (o), and (r), F.S.

¹³ See Florida Department of Financial Services Press Release. *CFO Sink Announces "Florida Vets Connect" to Recognize Brave Service of Florida Veterans*. March 3, 2010. Available at: <http://www.myfloridacfo.com/sitepages/newsroom/pressrelease.aspx?id=3449>.

¹⁴ Military and Veterans Affairs, Space, and Domestic Security Committee staff telephone conversation with Steve Murray, Communications Director, Florida Department of Veterans' Affairs. March 6, 2015.

¹⁵ According to the FDVA, it is too cost prohibitive to distribute printouts of the veterans' benefits information via the United States mail.

¹⁶ *Supra* note 9.

¹⁷ E-mail correspondence with FDVA staff on March 5, 2015. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

¹⁸ *Id.*

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.¹⁹ Each county currently employs a veteran service officer, however, in some cases, one veteran service officer may service two counties.²⁰ There are currently no certified city veteran service officers in Florida.²¹

Driver License and Identification Card Fees

Driver license fees are authorized in s. 322.21, F.S. An original or renewal commercial driver license is \$78; and an original renewal or extension of a Class E driver license is \$48. The revenues from these fees are deposited into the General Revenue Fund. Other fees established include replacement driver licenses and original, replacement, and renewal identification cards. A replacement driver license is \$25. Of this amount, \$7 is deposited into the Highway Safety Operating Trust Fund and \$18 is deposited into the General Revenue Fund.

An identification card is \$25.²² Of this amount, the fee distribution varies depending on the type of issuance. The fee for an original identification card is deposited into the General Revenue Fund. From the fee for a renewal identification card, \$6 is deposited into the Highway Safety Operating Trust Fund and \$19 into the General Revenue Fund; and for a replacement identification card, \$9 into the Highway Safety Operating Trust Fund and \$16 is deposited into the General Revenue Fund.

Current law requires that driver license issuance services be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015.²³ Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, a tax collector who issues a replacement driver license or replacement identification card may retain the portion of the fee that is currently deposited in the Highway Safety Operating Trust Fund, \$7 or \$9 respectively.²⁴

Fee Exemption for 100-Percent Total and Permanent Service-Connected Disabled Veterans

Section 322.21(7), F.S., provides an exemption from all driver license and identification card fees required by s. 322.21, F.S., for any honorably discharged veteran who: has been issued a valid identification card by the FDVA in accordance with s. 295.17, F.S.;²⁵ has been determined

¹⁹ Section 292.11(4), F.S.

²⁰ Listing of Florida County Veteran Service Officers: http://floridavets.org/wp-content/uploads/2014/02/CVSO_Directory_1-February-2014.pdf

²¹ E-mail correspondence with FDVA staff on March 6. On file with the Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

²² Section 322.21(f), F.S.

²³ Section 322.135(5), F.S.

²⁴ Section 322.21(1)(e) and (1)(f)3., F.S.

²⁵ Pursuant to s. 295.17, F.S., the FDVA may issue an identification card to any veteran who is a permanent Florida resident and who has a 100-percent service-connected disability.

by the U.S. Department of Veterans Affairs (USDVA) or the Department of Defense to have a 100-percent total and permanent service-connected disability; and is qualified to obtain a Florida driver license.

Combat Veterans

Section 1.01(14), F.S., defines the term “veteran” as:

[A] person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges.

The Florida Statutes also defines “wartime veteran”²⁶ for the purpose of determining eligibility for certain state benefits, but does not define “combat veteran.”

For the purpose of determining eligibility for certain health care services provided by the USDVA, the U.S. Code defines “combat veteran” as:

...a veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War, or in combat against a hostile force during a period of hostilities after November 11, 1998.²⁷

The USDVA considers the following documentation to determine service in a theater of combat operations:²⁸

- Military service documentation that reflects service in a combat theater;
- Receipt of combat service medals; or²⁹

²⁶ Section 1.01(14), F.S. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a veteran must have served during one of the following periods of wartime service: (a) Spanish-American War, including the Philippine Insurrection and the Boxer Rebellion; (b) Mexican Border Period; (c) World War I; (d) World War II; (e) Korean Conflict; (f) Vietnam Era; (g) Persian Gulf War; (h) Operation Enduring Freedom; and (i) Operation Iraqi Freedom.

²⁷ 38 U.S.C. Section 1710(e)(1)(D)

²⁸ A combat operation is a military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, or maneuvers needed to gain the objectives of a battle or campaign. Operations Enduring Freedom and Iraqi Freedom are examples of combat operations. Department of Defense: Financial Management Regulation 7000.14 – R, Volume 7a: “Military Pay Policy - Active Duty And Reserve Pay.” p. 13-3. Available at:

http://comptroller.defense.gov/Portals/45/documents/fmr/Volume_07a.pdf

²⁹ Air Force Cross, Air Medal with “V” Device, Army Commendation Medal with “V” Device, Bronze Star Medal with “V” Device, Combat Action Badge, Combat Action Ribbon, Combat Aircrew Insignia, Combat Infantry/Infantryman Badge, Combat Medical Badge, Distinguished Flying Cross, Distinguished Service Cross, Joint Service Commendation Medal with “V” Device, Medal of Honor, Navy Commendation Medal with “V” Device, Navy Cross, Purple Heart, and/or Silver Star.

- Receipt of imminent danger or hostile fire pay³⁰ or tax benefits.³¹

Florida is home to approximately 1.6 million veterans, of which 1.2 million are considered wartime veterans.³² There is no estimate available for the number of combat veterans residing in Florida.³³

III. Effect of Proposed Changes:

Section 1 establishes the Military and Overseas Voting Assistance Task Force (“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.

The Task Force consists of the following 20 members:

- The Secretary of State or his or her designee, who shall serve as the chair of the Task Force;
- The Adjutant General or his or her designee;
- The executive director of the Florida Department of Veterans’ Affairs, 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 member appointed by the Governor;
- Six supervisors of elections appointed by the Secretary of State;
- Five individuals appointed by the Secretary of State; and
- Five individuals appointed by the Secretary of State with relevant expertise in computers, the Internet, or other associated technologies.

Members of the Task Force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses.

The bill directs the Task Force to study and report on the following issues:

- Any factor that limits the ability of absent uniformed services voters to request, receive, and return absentee ballots within the current statutory time period for casting absentee ballots;
- The costs associated with the development and implementation of an online voting system;

³⁰ Hostile fire pay is defined as pay to anyone exposed to hostile fire or mine explosion, while imminent danger pay is paid to anyone on duty outside the United States area who is subject to physical harm or imminent danger due to wartime conditions, terrorism, civil insurrection, or civil war. USDVA Veterans Health Administration Directive 2008-054. Available at: http://www.va.gov/vhapublications/ViewPublication.asp?pub_ID=1758

³¹ USDVA. Combat Veteran Eligibility. December 2011. Available at: http://www.va.gov/healthbenefits/assets/documents/publications/ib-10-438_combat_veteran_eligibility.pdf

³² FDVA. Fast Facts. Available at: <http://floridavets.org/our-veterans/profilefast-facts/>

³³ E-mail correspondence with FDVA staff on March 18, 2015. On file with Senate Military and Veterans Affairs, Space, and Domestic Security Committee.

- The feasibility of absent uniformed services voters using an online voting system to electronically submit a voted ballot;
- The security of electronically submitting a voted ballot through an online voting system; and
- Procedures adopted by other states to facilitate greater electoral participation among 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 the Task Force's recommendation on whether the state should pursue the development and implementation of an online voting system for absent military voters. If the Task Force recommends an online voting system, the report must include recommended steps for developing and implementing such a system.

The Task Force will expire upon the submission of the Secretary of State's required report by July 1, 2016.

Additionally, the bill requires the Division of Elections of the Department of State to provide support staff for the Task Force and requires the Agency for State Technology to assist the Task Force upon request.

Section 2 provides legislative intent regarding the provision of college credit for military training and coursework and other services to student veterans. The bill provides that it is the intent of the Legislature that 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;
- 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.

Section 3 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 Department of Highway Safety and Motor Vehicles (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 Ch. 119, F.S., and the federal Driver's Privacy Protection Act of 1994. Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.

Section 4 amends s. 322.21(7), F.S., to remove the provision that waives the driver license and identification card fees provided in s. 322.21, F.S., for 100-percent total and permanent service-connected disabled veterans who are qualified to obtain a driver license.

The bill provides that any honorably discharged veteran who has served in combat and is qualified to obtain a driver license is exempt from the driver license and identification card fees provided in s. 322.21, F.S.

Section 5 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 1296 entitles veterans who served in combat and who are qualified to obtain a driver license to a free original, renewal, or replacement driver license or identification card.

Veterans with a 100-percent total and permanent service-connected disability are no longer entitled to a free original, renewal, or replacement driver license or identification card.

C. Government Sector Impact:

The Department of State would be responsible 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 the Department of State will provide support staff for the Task Force. Depending on the scope of the Task Force's needs, this may require additional full-time employees.³⁴

There is no estimate available at this time for the cost to implement the veterans' voluntary check-off program. Program expenses may include postage fees, packaging materials, technical and staff support. The bill does not identify a funding source to pay for the implementation of the program and does not specify which entity referenced in the bill is responsible for the costs associated with the program.

The bill will have a negative fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and County Tax Collectors due to loss of revenue collected from driver license and identification card fees for combat veterans. The revenue loss estimate is indeterminate at this time.

The bill will have a positive fiscal impact on the General Revenue Fund, the Highway Safety Operating Trust Fund, and County Tax Collectors due to the removal of the existing driver license and identification card fee exemption for 100-percent total and permanent service-connected disabled veterans.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not define a "veteran who served in combat" as it relates to the driver license and identification card fee exemption authorized in the bill. The bill also does not identify the appropriate documentation to verify that a veteran served in combat.

³⁴ Department of State. SB 1296 Agency Bill Analysis. March 6, 2015.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.08 and 322.21.

This bill creates undesignated sections of the Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs, Space, and Domestic Security on March 17, 2015:

The CS makes the following changes to the veterans voluntary check-off program:

- 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
- Removes unnecessary redundant language.

The CS also revises the legislative intent regarding college and university student veteran support.

B. Amendments:

None.