

**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 Military and Veterans Affairs, Space, and Domestic Security

BILL: CS/SB 1538

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

SUBJECT: Veterans' Employment

DATE: January 28, 2016 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	Fav/CS
2.			AGG	
3.			AP	

**Please see Section IX. for Additional Information:**  
 COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 1538 requires each state agency and authorizes the political subdivisions of the state to develop and implement a written veterans recruitment plan to establish annual goals for ensuring the full use of veterans in the agency's or political subdivision's workforce.

The bill requires the Department of Management Services to annually collect and publish on its website and include in its annual workforce report statistical data for each state agency on the following:

- The number of persons who claim veterans' preference;
- The number of persons who are hired through the veterans' preference; and
- The number of persons who are hired as a result of the veterans recruitment plan.

**II. Present Situation:**

**Veteran Presence in Florida**

The Florida Statutes 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, or who later received an upgraded discharge under honorable conditions.<sup>1</sup> Currently, there are 21.8

<sup>1</sup> s. 1.01(14), F.S.

million veterans in the United States, of which, over 1.6 million reside in Florida.<sup>2</sup> This makes Florida the state with the third largest veteran population, behind only California and Texas.<sup>3</sup> Approximately 299,000 of Florida's veterans are service-disabled.<sup>4</sup>

Florida's overall unemployment rate for calendar year 2014 was 6.3 percent.<sup>5</sup> The unemployment rate among Florida veterans was 5 percent compared to 5.3 percent nationally.<sup>6</sup> The unemployment rate among Florida Post-9/11 era veterans averaged 4.8 percent compared to 7.2 percent nationally.<sup>7</sup>

### **Veterans' Preference in Employment**

The Florida Statutes have included some form of veterans' employment preference since 1947.<sup>8</sup> The purpose of the veterans' preference statute is to reward those who served their country in a time of need and to recognize the qualities and traits developed by military service.<sup>9</sup> In 2014, the Legislature expanded Florida's veterans' preference in public employment process to increase the field of persons eligible for veterans' preference to include all veterans, Florida National Guard members, reservists, and Gold Star parents.<sup>10</sup> In addition, beginning in 2014, private employers in Florida were authorized to provide veterans' preference requirements.<sup>11</sup>

Currently, Florida law does not provide a policy for state agencies concerning the recruitment of veteran employees. However, the law specifically requires all state government entities, counties, cities, towns, villages, special tax school districts, and special districts (government employers) to grant employment preference in hiring and retention to certain veterans, and family members of certain military servicemembers and veterans.<sup>12</sup> All advertisements and written job announcements must include notice that veterans and eligible family members receive preference in employment and are encouraged to apply for the position.<sup>13</sup>

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<sup>2</sup> U.S. Census Bureau, *A Snapshot of Our Nation's Veterans*, available at:

<http://www.census.gov/library/infographics/veterans.html>

<sup>3</sup> Florida Department of Veterans' Affairs, *Fast Facts*, available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50)

<sup>4</sup> U.S. Department of Veterans Affairs, Veterans Benefits Administration, Annual Benefits Report, Fiscal Year 2014, page 22 of 80, available at: <http://www.benefits.va.gov/REPORTS/abr/ABR-IntroAppendix-FY13-09262014.pdf>

<sup>5</sup> See Florida Department of Economic Opportunity, *Local Area Unemployment Statistics*, available at:

<http://www.floridajobs.org/labor-market-information/data-center/statistical-programs/local-area-unemployment-statistics>

<sup>6</sup> United States Congress Joint Economic Committee, *Economic Snapshot: Florida* (Oct. 2015), available at:

<http://www.jec.senate.gov/public/cache/files/2cb3bde9-27db-4584-86fc-f2ce46e4bb2e/florida.pdf>

<sup>7</sup> *Id.*

<sup>8</sup> s. 1, ch. 24201, Laws of Fla. (1947).

<sup>9</sup> *Yates v. Rezeau*, 62 So.2d 726, 727 (Fla. 1952); Ch. 98-33, at 244, L.O.F.

<sup>10</sup> ch. 2014-1, Laws of Fla.

<sup>11</sup> s. 295.188, F.S.

<sup>12</sup> s. 295.07(1), F.S., requires the state and political subdivisions of the state to comply with veterans' preference requirements. Section 1.01, F.S., defines "political subdivision" as "counties, cities, towns, villages, special tax school districts, special road and bridge districts, and all other districts in the state.

<sup>13</sup> s. 295.065, F.S.

***Persons Eligible for Veterans' Preference and Exceptions***

Pursuant to s.295.07, F.S., the following persons are eligible to claim veterans' employment preference:<sup>14</sup>

- A disabled veteran;
- The spouse of a veteran:
  - Who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment; or
  - Who is missing in action, captured in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power.
- A Veteran of any war, who has served at least one day during that war time period as defined in subsection s. 1.01 (14), F.S., or who has been awarded a campaign or expeditionary medal. (Active duty for training shall not be allowed for eligibility under this provision.)
- The unremarried widow or widower of a veteran who died of a service-connected disability.
- The mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions.
- A veteran as defined in section s. 1.01(14), F.S., F.S.
- A current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

Florida law exempts the following government positions from the veterans' preference requirements:<sup>15</sup>

- Positions that are exempt from the state Career Service System, including certain legislative branch personnel, judicial branch personnel, and personnel of the Office of the Governor; however, all positions under the University Support Personnel System of the SUS as well as all Career Service System positions under the FCS and the School for the Deaf and the Blind are included;
- Positions in political subdivisions of the state which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each officer;
- Members of boards and commissions;
- Persons employed on a temporary basis without benefits;
- Heads of departments;
- Positions that require licensure as a physician, licensure as an osteopathic physician, or licensure as a chiropractic physician; and
- Positions that require membership in The Florida Bar.

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<sup>14</sup> s. 295.07(1)(a)-(g), F.S.

<sup>15</sup> s. 295.07(4)(a)-(b), F.S.

***Veterans’ Preference Applied when Examination Determines Qualification for Employment***

If an examination is used to determine qualification for employment, points are added to the final examination score as follows:<sup>16</sup>

<b>Veterans’ Preference Beneficiary</b>	<b>Preference Points</b>
Disabled Veteran	15
Spouse of Person With Total Disability, Missing in Action, Captured in Line of Duty, Etc.	15
Wartime Veteran	10
Un-remarried widow/widower of Person Who Died of a Service-Connected Disability	10
Gold Star Family	10
Veteran	5
National Guard/Reserve	5

In order for points to be awarded, the applicant must first obtain a qualifying score on the examination.<sup>17</sup>

***Veterans’ Preference Applied when Examination Does Not Determine Qualification for Employment***

If an examination is not used to determine qualifications for a position, preference is given as follows:<sup>18</sup>

- First preference is given to disabled veterans and the spouses of veterans who have a total and permanent service-connected disability or who are missing in action, captured in line of duty by a hostile force, or detained or interned in line of duty by a foreign government or power; and
- Second preference is given to a veteran of any war; the unremarried widow or widower of a veteran who died of a service connected disability; the mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions; a veteran as defined in section s. 1.01(14), F.S., F.S.; and a current member of any reserve component of the U.S. Armed Forces or the Florida National Guard.

**State Equal Employment Policy**

Section 110.112, F.S., declares that the policy of the state is to afford equal employment opportunities through programs of affirmative and positive action allowing for the full utilization of women and minorities. Each executive agency is required to develop and implement an affirmative action plan; <sup>19</sup> establish annual goals in its affirmative action plan for ensuring full

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<sup>16</sup> s. 295.08, F.S.  
<sup>17</sup> Rule 55A-7.010(1), F.A.C.  
<sup>18</sup> s. 295.085, F.S.  
<sup>19</sup> s. 110.112(2)(a), F.S.

utilization of groups underrepresented in the agency's workforce as compared to the relevant labor market;<sup>20</sup> and appoint an affirmative action-equal employment opportunity officer.<sup>21</sup>

Section 110.201(5), F.S., requires DMS to develop an annual workforce report that contains data representative of the state's human resources.<sup>22</sup> DMS is also required to include in its annual workforce report information relating to each executive agency's affirmative action plan.<sup>23</sup>

### III. Effect of Proposed Changes:

CS/SB 1538 amends s. 295.07, F.S., to require each state agency and authorize political subdivisions of the state to develop and implement a written veterans recruitment plan to establish annual goals for ensuring the full use of veterans in the agency's or political subdivision's workforce. These veterans recruitment plans apply to veterans and their family members who are eligible for veterans employment preference identified in s. 295.07(1), F.S.

The bill requires the Department of Management Services to annually collect and publish on its website and include in its annual workforce report statistical data for each state agency on the following:

- The number of persons who claim veterans' preference;
- The number of persons who are hired through the veterans' preference; and
- The number of persons who are hired as a result of the veterans recruitment plan.

The bill also updates cross references in ss. 295.085 and 295.09, F.S.

The bill takes effect on October 1, 2016.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

<sup>20</sup> s. 110.112(2)(b), F.S.

<sup>21</sup> s. 110.112(2)(c), F.S., provides that the duties of the affirmative action-equal employment opportunity officer include "determining annual goals, monitoring agency compliance, and providing consultation to managers regarding progress, deficiencies, and appropriate corrective action."

<sup>22</sup> DMS Annual Workforce Report Fiscal Year 2013-2014, Equal Employment Opportunity/Affirmative Action Report page 62, available at: <http://www.dms.myflorida.com/content/download/113500/629140/file/FY%2013-14%20Annual%20Workforce%20Report.pdf>.

<sup>23</sup> s. 110.112(2)(d), (e), and (6), F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill could provide a positive fiscal impact to veterans in the state. Recruiting veterans to the state's government workforce will likely increase the number of veterans that obtain gainful employment.

**C. Government Sector Impact:**

The cost for state agencies to develop and implement a veterans recruitment plan is unknown, but may be insignificant.

The cost for DMS to collect statistical data, annually update the data on its website, and include the data in its annual workforce report is unknown, but may be insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 295.07, 295.085, 295.09.

**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 January 26, 2016:**

The CS:

- Relocates the bill's veterans recruitment plan provisions to the existing veterans preference statute (s. 295.07);
- Allows political subdivisions to develop veterans recruitment plans.
- Removes the requirement that each executive agency appoint a veterans employment officer;
- Removes training requirements for DMS and executive agencies relating to recruitment and employment of veterans;

- Provides that an agency's veterans recruitment plan will apply to veterans and their family members who are eligible for state veterans' preference; and
- Requires DMS to collect statistical data on the effectiveness and utilization of veterans' preference and veteran recruitment practices.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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