

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 429 Military and Veterans Affairs

SPONSOR(S): Appropriations Committee; Veteran & Military Affairs Subcommittee, Steube and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 184

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	10 Y, 0 N, As CS	Renner	Thompson
2) Appropriations Committee	23 Y, 0 N, As CS	Cobb	Leznoff
3) Local & Federal Affairs Committee			

SUMMARY ANALYSIS

The bill addresses outreach to veterans regarding benefits available as a result of military service, overseas absentee voting for military personnel, and support for student veterans at state colleges and universities.

Specifically the bill:

- Requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off to allow a veteran to request written or electronic information on federal, state, and local benefits and 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 uniformed services voters who are overseas to electronically submit voted ballots.

The bill has an indeterminate, but likely 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. The bill may also have an indeterminate, but likely insignificant negative fiscal impact on the Florida Department of Veterans' Affairs, as well as a negative impact on the Department of Highway Safety and Motor Vehicles' workload which will be absorbed within existing resources. See fiscal comments.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Voluntary Check-off for Veterans to Receive Local and Federal Information

Present Situation

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 when applying for a new or replacement driver license or identification card.¹

The Florida Statutes specifically authorize which organizations can receive a voluntary contribution. 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:

- A request for the voluntary contribution being sought, describing the voluntary contribution in general terms;
- An application fee,² 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;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

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 Charity, and Support Our Troops, Inc.³

Florida Vets Connect Initiative

In 2010, the Department of Highway Safety and Motor Vehicles (DHSMV) and the Florida Department of Veterans' Affairs (FDVA) partnered to create the Florida Vets Connect initiative to stimulate outreach efforts to veterans in Florida by distributing general state and federal veterans' benefits information via e-mail to those individuals who request such information. 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 exchanged⁴ between the two agencies, the contact information is then forwarded to a third party provider to be used to ensure Florida's veterans are provided information regarding benefits to which they may be entitled.⁵ According to FDVA, it receives the veterans' contact information (which includes email addresses) from DHSMV and then emails the information to a third party provider. The third party provider then distributes the information via e-mail to the veteran who requests such information on the driver license

¹ Sections 320.02(8), (14), and (15) and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 27 options for voluntary contributions. Section 322.08(8), F.S., provides driver license applicants with 20 options for voluntary contributions.

² State funds may not be used to pay the application fee.

³ See s. 322.08(7)(n), (o), and (q), F.S.

⁴ Florida Department of Highway Safety and Motor Vehicles, Memorandum of Understanding (MOU), DHSMV Contract No.: HSMV-0607—13, May 1, 2013.

⁵ 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 October 27, 2015).

or identification card application. The following chart depicts the rate that FDVA sent emails to recipients on a monthly basis during the 2015 calendar year:⁶

Month	Emails Sent
January	3214
February	1458
March	2791
April	2779
May	2825
June	2610
July	2873
August	3173
September	2993
October	3007
November	5314
December	5314
Total	38,351

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.⁷ Each county currently employs a veteran service officer; however, not every city has a veteran service officer.⁸

Effect of Proposed Changes

The bill requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off for veterans to request written or electronic information on federal, state, and local benefits and services available as a result of military service. The veteran may elect to receive the information either through the United States Postal Service or by email from a non-profit third-party provider selected by the FDVA that has sufficient ability to communicate with veterans throughout the state.

The DHSMV must collaborate with FDVA to administer the voluntary check-off. The DHSMV is required to report monthly to the FDVA the name and mailing address or e-mail address of each veteran who requests the information. 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 request the information 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

⁶ Information provided to staff by the FDVA. On file with Veteran & Military Affairs Committee staff.

⁷ Section 292.11(4), F.S.

⁸ 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 October 28, 2015)

Act of 1994.⁹ Any person who willfully and knowingly violates the aforementioned conditions commits a misdemeanor of the first degree.¹⁰

Creation of the Military and Overseas Voting Assistance Task Force

Present Situation

Military Voters Overseas

Florida currently does not provide for the return of voted absentee ballots through an online system or by other Internet-related or electronic means, except for overseas voters who may return their ballots via secure facsimile.¹¹ Florida law, however, does provide a special extension of time — 10 extra days — for overseas voters to return voted ballots in general elections and presidential preference primaries, provided the ballot is sent by Election Day.¹² Additionally, the Federal Write-In Absentee Ballot (FWAB) serves as an emergency back-up ballot for overseas voters who have requested a regular absentee ballot but didn't receive it.¹³

Further expediting the voting process is the fact that, in addition to mailing a ballot, county election supervisors may e-mail, fax, or provide blank ballots online to voters at their request — an important time-saving measure for overseas electors who submit ballot requests close to an election or who otherwise do not timely receive their ballot.¹⁴

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 absent uniformed services voters who are overseas to submit a voted absentee ballot electronically.

The Task Force must be composed of 11 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 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.
- Three supervisors of elections appointed by the Florida State Association of Supervisors of Elections.
- Three 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 Department of State (DOS) must provide support staff for the Task Force and the Agency for State Technology must assist the Task Force upon request.

⁹ 18 U.S.C. § 2721

¹⁰ 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.

¹¹ 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.)

¹² Section 101.6952(5), F.S.

¹³ Section 101.6952(2)(a), F.S.

¹⁴ Section 101.62, F.S.; Rule 1S-2.030, F.A.C. Supervisors begin sending absentee ballots 45 days before each election for those with requests on file with the supervisor, and thereafter upon receipt of a timely request. Overseas voters can request a ballot from their local supervisor when they register to vote using the Federal Post Card Application (FPCA). Otherwise, they can timely request absentee ballots via telephone, mail, fax or email.

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

- Any factor that limits the ability of absent uniformed services voters who are overseas 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 absent uniformed services voters who are overseas 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 who are overseas.

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, 2017, containing Task Force recommendations for the development and implementation of an online voting system that allows absent uniformed services voters who are overseas to electronically submit a voted absentee ballot.

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 Military and Overseas Voting Assistance Task Force

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:

The DHSMV will have to make the option to receive veterans' benefits information available on both the mail-in renewal form, and the online renewal and replacement forms for driver license and identification card transactions. DHSMV states that the operational and fiscal impact can be accommodated during its modernization effort as the department had already planned to incorporate a larger renewal form with similar changes. DHSMV estimates a total of 2,700 programming hours, or the equivalent of \$175,500 in FTE and contracted resources workload, will be required to implement the bill (2,100 hours or \$142,500 for the mail-in form, and 600 hours or \$33,000 for the online forms) which will be absorbed within existing resources. The option to receive veterans' benefits information is already available for in-office driver license and identification card issuances.

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 is required to 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. Also, the Agency for State Technology would be required to provide assistance if requested.¹⁵

There may be an indeterminate, but likely insignificant negative fiscal impact to FDVA. The requested information shall be delivered to the veteran by a third-party provider selected by FDVA. According to the FDVA, based on the current contractual agreement, the cost would be \$11,529, not including the cost of postage and the creation of additional outreach materials.¹⁶

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:

The bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

¹⁵ Department of State SB 184 agency analysis. On file with Veteran & Military Affairs Subcommittee staff.

¹⁶ 2016 FDVA agency analysis for HB 429. On file with Veteran & Military Affairs Subcommittee staff.

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:

The Department of State's agency analysis contains its public position on a web-based voting system:

Based upon existing studies of online voting and the capabilities of current certified voting systems, the Department of State has determined that secure electronic means do not satisfactorily exist to permit the casting of online ballots by voters, including overseas voters.¹⁷

The Secretary of State is a voting member and Chair of the Task Force. Additionally, the Department's analysis identifies the potential disruptive impact of the Task Force (July 1, 2016 – July 1, 2017) because of the partial overlap with the 2016 election cycle. It states that the Task Force staffing duties "could impact the ability of the Division (of Elections) (to) [sic] perform its regular duties during an election year," and notes the possible need for additional full-time employees.¹⁸

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 19, 2016, the Veteran & Military Affairs Subcommittee adopted one strike-all amendment and reported the bill favorably as a committee substitute. The amendment reduces the number of members to serve on the Military and Overseas Voting Assistance Task Force from 20 to 11. It also revises the dissemination of veteran information provision to establish a voluntary check-off on driver license and identification card applications.

On February 16, 2016, the Appropriations Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes section 3 of the bill related to legislative findings and intent regarding continuing education for veterans of the United States Armed Forces, and legislative findings and intent to require collaboration between the State Board of Education and the Board of Governors of the State University System in achieving specified goals regarding educational opportunities for veterans.

This analysis is drafted to the committee substitute as passed by the Appropriations Committee.

¹⁷ Florida Department of State analysis for SB 184, pg. 4-5. On file with Veteran & Military Affairs Subcommittee staff.

¹⁸ *Id.* at pgs. 3-4.