

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 Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 1588

INTRODUCER: Senator Latvala

SUBJECT: Military and Veteran Support

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanders	Ryon	MS	Pre-meeting
2.	_____	_____	JU	_____
3.	_____	_____	AP	_____

I. Summary:

SB 1588 contains provisions relating to veteran-owned businesses, employment of military spouses, and student veteran support. Specifically, the bill:

- Directs the Florida Department of Veterans Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise;
- Provides that the Supreme Court of Florida may admit the spouse of a military servicemember to practice law in this state given that the Florida Board of Bar Examiners certifies that the spouse meets certain requirements;
- Requires the Department of Education to expedite the processing of an application for educator certification submitted by the spouse of a military servicemember; 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 takes effect July 1, 2017.

II. Present Situation:

Florida Veteran Business Enterprise Opportunity Act

The Florida Veteran Business Enterprise Opportunity Act¹ exists to rectify the economic disadvantage of service-disabled veterans² and to recognize wartime veterans³ for their

¹ Section 295.187, F.S.

² A service-disabled veteran is defined as a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense. See s. 295.187(3)(b), F.S.

³ A wartime veteran is a veteran that served in a campaign or expedition for which a campaign badge has been authorized or during a specified period of wartime service. See s. 295.187(3)(d), F.S.

sacrifices. The Department of Management Services (DMS) Office of Supplier Diversity (OSD) in partnership with the Florida Department of Veterans' Affairs (FDVA) administering the Veteran Business Enterprises (VBE) program. The DMS is responsible for working with the FDVA to establish a certification procedure and either granting, denying, revoking the certification of a VBE. Responsibilities of the FDVA include:

- Assisting the DMS in establishing a certification procedure, which shall be reviewed biennially and updated as necessary;
- Identifying eligible veteran business enterprises by any electronic means, including electronic mail or Internet website, or by any other reasonable means; and
- Encouraging and assisting eligible veteran business enterprises to apply for certification under this section.

The application process for a VBE requires a business to register as a vendor on the My Florida Market Place, which serves as the state's procurement website, and submit the required documentation to the OSD.⁴ In order to be certified as a VBE, a business enterprise must be an independently owned and operated business that:

- Employs 200 or fewer permanent full-time employees;
- Has a net worth of \$5 million or less;
- Is domiciled in this state;
- Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans; and
- Is managed and controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

Certification as a VBE by the OSD is valid for a two-year period after which the business must renew its certification. Currently, a VBE can renew its certification online through the DMS website.⁵ During fiscal year 2015-2016, there were 440 Florida businesses with a current certification as a VBE.⁶

Pursuant to s. 295.187, F.S., a VBE is entitled to vendor preference. Vendor preference requires a state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified VBE, which are equal with respect to all relevant considerations including price, quality, and service, to award such procurement or contract to the certified VBE.⁷

⁴ Department of Management Services (DMS), Office of Supplier Diversity (OSD), *Get Certified*, available at http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified (last visited March 18, 2017).

⁵ DMS, OSD, *Recertification Information*, available at http://www.dms.myflorida.com/agency_administration/office_of_supplier_diversity_osd/get_certified/recertification_information (last visited March 18, 2017).

⁶ DMS, OSD, *OSD Annual Report Fiscal Year 2015-2016* (Feb. 2, 2017), 7, available at http://www.dms.myflorida.com/content/download/130365/809851/OSD_15-16_annual_report_Final.pdf (last visited March 18, 2017).

⁷ Other benefits available to VBEs and other certified business enterprises, including women and minority-owned businesses, include: first tier referrals to state agencies for contract opportunities; business development guidance from established corporations; participation at regional workshops, seminars, and corporate roundtables; and inclusion in an exclusive listing of state-certified minority business enterprises in an online directory.

Admission to Practice Law

Article V, section 15 of the State Constitution provides that the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted.⁸ The requirements and procedures for admission to The Florida Bar are established in the Rules of the Supreme Court Relating to Admissions to the Bar (rules), which are administered by the Florida Board of Bar Examiners.⁹

Persons seeking admission to The Florida Bar must meet the character and fitness qualifications set forth by the rules, file the appropriate applications and fees, and comply with the rules governing background investigations and the bar examination.¹⁰ To be qualified for admission to The Florida Bar, an applicant must produce satisfactory evidence of good moral character, an adequate knowledge of the standards and ideals of the profession, and proof that the applicant is otherwise fit to take the oath and to perform the obligations and responsibilities of an attorney.¹¹

An applicant must also sit for the Florida Bar Examination (exam). The exam consists of two components to include the General Bar Examination and the Multistate Professional Responsibility Examination (MPRE).¹² To be considered for admission to The Florida Bar, an applicant must produce satisfactory evidence of technical competence by passing all parts of the exam.¹³ Additionally, the applicant must hold a bachelor of laws or doctor of jurisprudence from an accredited law school.¹⁴

Currently, a spouse of a military servicemember is not permitted to practice law in this state without meeting all of the requirements established in the rules. On February 1, 2017, the Florida Board of Bar Examiners filed a petition with the Supreme Court of Florida to amend the rules proposing a new subchapter authorizing military spouses to practice law in Florida under certain circumstances.¹⁵

Educator Certification

Types of Educator Certificates

The Department of Education (DOE) identifies appropriate educator certification for the instruction of specified courses in an annual publication of a directory of course code numbers¹⁶ for all programs and courses funded through the Florida Education Finance Program.¹⁷

⁸ Fla. Const. art. V, s. 15

⁹ Fla. Bar Admiss. R. 1-10.

¹⁰ Fla. Bar Admiss. R. 2-10.

¹¹ Fla. Bar Admiss. R. 2-12.

¹² Fla. Bar Admiss. R. 4-11.

¹³ Fla. Bar Admiss. R. 4-13.

¹⁴ Fla. Bar Admiss. R. 4-13.1.a.

¹⁵ See Supreme Court of Florida, *Petition to Amend the Rules Regulating the Florida Bar, SC17-156* (Feb. 1, 2017), available at http://jweb.flcourts.org/pls/docket/ds_docket?p_caseyear=2017&p_casenumbr=156 (last visited March 21, 2017).

¹⁶ Department of Education, *2016-2017 Course Directory*, <http://www.fldoe.org/policy/articulation/ccd/2016-2017-course-directory.stml> (last visited March 18, 2017).

¹⁷ Section 1012.55(1)(c), F.S.

The DOE issues three types of educator certificates:¹⁸

- A professional certificate is the highest type of full-time certificate issued. The professional certificate is a 5-year renewable certificate;¹⁹
- A temporary certificate is a 3-year nonrenewable certificate issued to an applicant who does not qualify for a professional certificate;²⁰ and
- An Athletic Coaching certificate covers a full-time or part-time individual who is employed as an athletic coach in any public school in any district of the state.²¹

Eligibility Criteria for Educator Certification

To be eligible to seek a Florida educator's certificate, an individual must submit an application and meet specified requirements.²²

- Be at least 18 years of age;
- File an affidavit to uphold the principles incorporated in the U.S. Constitution and the State Constitution;
- Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the DOE has identified as having a quality program resulting in a bachelor's degree, or higher;
- Submit to a background screening;
- Be of good moral character;
- Be competent and capable of performing the duties, functions, and responsibilities of an educator; and
- Demonstrate mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

Certification requirements are established to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence to demonstrate an acceptable level of professional performance.²³

Certification Process

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).²⁴ A person seeking certification must submit an application including his or her social security number to the DOE and remit the required fee.²⁵ Within 90 calendar days of receiving the complete application the DOE must issue the following:

- If the applicant meets the requirements, a professional certificate and a document explaining the requirements for renewal of the professional certificate;

¹⁸ Section 1012.55, F.S.

¹⁹ Section 1012.56(1), (2), (3), (5), (6), and (7), F.S.

²⁰ Section 1012.56(7)(b), F.S.; Rule 6A-4.004(1), F.A.C.

²¹ Section 1012.55(2)(a), F.S.

²² Section 1012.56(2), F.S.; Rule 6A-4.002, F.A.C.

²³ Section 1012.54, F.S.

²⁴ Sections 1012.55(1) and 1002.33(12)(f), F.S.

²⁵ Section 1012.56(1), F.S.

- If the applicant meets the requirements and if requested by an employing school district or an employing private school, a temporary certificate and an official statement of status of eligibility; or
- If an applicant does not meet the requirements for either certificate, an official statement of status of eligibility.²⁶

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.²⁷ 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 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. 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.²⁸

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).²⁹ 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.³⁰

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.³¹ 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).

²⁶ Id.

²⁷ Section 1001.02(1), F.S.

²⁸ Florida Department of Education website, *About Us*, available at: <http://www.fldoe.org/schools/higher-ed/fl-college-system/about-us>.

²⁹ State University System of Florida, Board of Governors, *2025 System Strategic Plan*, 5 (March 2016), available at: http://www.flbog.edu/pressroom/doc/2025_System_Strategic_Plan_Revised_FINAL.pdf.

³⁰ Id.

³¹ Chapter 2012-169, Laws of Fla.

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.³² 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.³³

III. Effect of Proposed Changes:

Section 1 amends s. 295.187, F.S., to direct the Florida Department of Veterans' Affairs to create a website to streamline the procedure for applying for certification as a veteran business enterprise.

Section 2 amends s. 454.021, F.S., provide that the Supreme Court of Florida may admit the spouse of a military servicemember, as defined in s. 250.01, F.S., to practice law in this state given that he or she is certified by the Florida Board of Bar Examiners. Certification by the board is contingent on the applicant:

- Registering in the Defense Enrollment Eligibility Report System established by the U. S. Department of Defense;
- Holding a juris doctor or bachelor of laws from a law school accredited by the American Bar Association;
- Being licensed to practice law in another state, the District of Columbia, or a territory of the U.S. after having passed a written exam;
- Establishing that he or she is a member in good standing in all jurisdictions where licensed to practice law and that he or she is not currently subject to discipline or a pending disciplinary matter relating to the practice of law;
- Demonstrating his or her presence in this state as the spouse of a servicemember; and
- Otherwise fulfilling all requirements for admission to practice law in this state.

The Supreme Court of Florida may specify circumstances under which the license and authorization for a military spouse to practice law in this state terminates.

Section 3 amends s. 1012.56, F.S., requiring the DOE to expedite the processing of an application for educator certification submitted by the spouse of a military servicemember³⁴ pursuant to s. 1012.56, F.S. The DOE must process the application and issue a certificate or statement of status of eligibility within 60 calendar days after the stamped receipted date of the completed application.

The bill further requires the State Board of Education to adopt rules to extend the validity period of a temporary certificate for two years when the requirements for the professional certificate

³² Chapter 2012-159, Laws of Fla.

³³ *Id.*

³⁴ The term servicemember is defined in s. 250.01, F.S., as any person serving as a member of the United States Armed forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

were not completed due to the fact that the applicant is the spouse of a servicemember stationed in this state.

Section 4 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 5 provides an effective date of July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Under Article V, section 15 of the State Constitution, the Supreme Court of Florida has exclusive jurisdiction to regulate the admission of persons to the practice of law and the discipline of persons admitted. The bill states that the Supreme Court may admit the spouse of a military servicemember, as defined in s. 250.01, F.S., to practice law in this state given that the Florida Board of Bar Examiners certifies that he or she meets certain requirements. Because the bill does not require the Supreme Court to admit any person to the practice of law in this state, the bill does not intrude on the Supreme Court's authority.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Section 1 of the bill requires the Florida Department of Veterans' Affairs (FDVA) to create a website for businesses to apply for certification as a Veteran Business Enterprise. The cost for the FDVA to create such website is unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.187, 454.021, and 1012.56. The bill also creates undesignated sections of Florida law.

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

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

None.

B. Amendments:

None.