

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 Rules

BILL: SB 922

INTRODUCER: Senator Burgess

SUBJECT: Veterans' Preference in Employment

DATE: March 23, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
2.	<u>Brown</u>	<u>Phelps</u>	<u>RC</u>	Favorable

I. Summary:

SB 922 expands the benefit of a veterans preference in employment by authorizing a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment. The education waiver applies to:

- A current member of a reserve component of the United States Armed Forces (U.S.A.F.);
- A current member of the Florida National Guard; or
- An honorably-discharged veteran.

Current law provides that certain positions are exempt from the requirement of veterans preference. As is the case for the other benefits, the education waiver is not available if the person is applying for a position designated as exempt. This bill, however, narrows the exemptions. A personal secretary of a public officer, a head of a department, and a position that requires licensure as a physician, osteopathic physician, or a chiropractic physician will now not be exempt from preference and priority requirements.

The bill also increases points used for appointment and retention determinations. For any given position, points are added in assessing an applicant for employment as follows:

- From 15 to 20 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or to a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- From 10 to 15 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a service-connected disability; or a mother, father, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- From 5 to 10 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.

The bill requires, rather than authorizes under current law, a political subdivision of the state to develop a written veterans' recruitment plan.

The bill takes effect July 1, 2021.

II. Present Situation:

Veterans Preference, Overall

Designated servicemembers and honorably-discharged veterans or their family members receive a preference and priority in hiring for state positions. To notify potential applicants of the benefit, agencies and political subdivisions of the state must include a statement in a job announcement providing that certain servicemembers and veterans and their spouses and family members have preference and priority and are encouraged to apply.¹

Applicability

Preference in appointment is available to:

- An honorably-discharged, disabled veteran who has served on active duty in a branch of the United States Armed Forces and has a compensable, service-connected disability, is receiving compensation, disability retirement benefits, or a military pension;
- The spouse of either a permanently, totally, service-connected disabled person who does not qualify for employment or of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- A wartime veteran, which is an honorably-discharged person who served in the active military, naval, or air service for at least 1 day during a wartime period, or an honorably-discharged veteran;
- The remarried 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 member of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- A current member of a reserve component of the USAF or the Florida National Guard.²

Exemptions from Preference

Positions that are exempt from preference and priority are:

- Positions that are exempt from the state Career Service System; however, positions under the University Support Personnel System of the State University System and all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or their equivalent at these institutions are not exempt;
- Positions in political subdivisions of the state filled by officers elected by popular vote or persons appointed to fill vacancies in these offices and the personal secretary of each officer;
- Positions for members of boards and commissions;
- Positions filled on a temporary basis without benefits;

¹ Section 295.065, F.S.

² Section 295.07(1), F.S.

- Positions for heads of departments;
- Positions that require licensure as a physician, osteopathic physician, or chiropractic physician; and
- Positions that require Florida Bar membership.³

Process of Awarding Preference

Preference by Point System for Examination

If an examination is part of the hiring process, a point system applies if the applicant is eligible for a veterans' preference. For any given position, if the applicant has received a qualifying score on the examination, points are added in assessing an applicant for employment as follows:

- 15 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- 10 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a service-connected disability; or a mother, father, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- 5 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.⁴

Preference without Examination

First preference in appointment, employment, and retention is given to:

- An honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability;
- A spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or
- A spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power.⁵

Second preference ⁶ is given to:

- A veteran who has served at least 1 day during wartime;
- An unremarried widow or widower of a veteran who died of a service-connected disability;
- A parent, legal guardian, or unremarried widow or widower of a member of the U.S.A.F. who died in the line of duty under verified combat-related conditions;
- An honorably-discharged veteran; and

³ Section 295.07(4), F.S.

⁴ Section 295.08, F.S.

⁵ Section 295.085, F.S.

⁶ Second preference means that for any given position, employment is offered to a person who qualifies under second preference if a person does not meet the qualification for first preference and for the position. Email correspondence between Christian Cochran and Victoria Jarrett, Florida Dep't of Veterans' Affairs (Feb. 19, 2021) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

- A current member of the reserves of the U.S.A.F. or the Florida National Guard.⁷

Requirements on Agencies

Each state agency must, and each political subdivision may, develop and implement a written veterans' recruitment plan to determine annual goals for maximizing the use of veterans in the agency or political subdivision workforce.⁸

Additionally, the Department of Management Services must collect and annually report on its website certain statistical data received from state agencies. The data required to be kept and reported is on the number of people who:

- Have claimed a veterans' preference;
- Have been hired through veterans' preference; and
- Have been hired through a veterans' recruitment plan.⁹

III. Effect of Proposed Changes:

SB 922 expands the benefit of a veterans preference in employment by authorizing a state or a political subdivision of the state to waive a postsecondary educational requirement for a position of employment. If an applicant is otherwise qualified, the education waiver applies if the applicant is:

- A current member of a reserve component of the United States Armed Forces;
- A current member of the Florida National Guard; or
- An honorably-discharged veteran.

Current law provides that certain positions are exempt from the requirement of veterans preference. As is the case for the other benefits, the education waiver is not available if the person is applying for a position designated as exempt. This bill, however, narrows the exemptions. In so doing, a personal secretary of a public officer, a head of a department, and a position that requires licensure as a physician, osteopathic physician, or a chiropractic physician will now not be exempt from preference and priority requirements. The import of removing the exemption for a licensed medical practitioner is unclear as presumably specific educational attainment is required for licensure.

The bill also increases the points used for appointment and retention determinations. For any given position, points are added in assessing an applicant for employment as follows:

- From 15 to 20 points for an honorably-discharged veteran who has served on active duty and has a service-connected, compensable disability; a spouse of a person who has a total, permanent, service-connected disability and cannot qualify for employment; or a spouse of a person missing in action, captured, or forcibly detained or interned by a foreign government or power;
- From 10 to 15 points for a person who is an honorably-discharged veteran and has served at least 1 day during wartime; an unremarried widow or widower of a veteran who died from a

⁷ *Id.*

⁸ Section 295.07(5)(a), F.S.

⁹ Section 295.07(5)(b), F.S.

service-connected disability; or a mother, father, legal guardian, or unremarried widow or widower of a servicemember of the U.S.A.F. who died in the line of duty under verified combat-related conditions;

- From 5 to 10 points for a person who is an honorably-discharged veteran or a current member of the reserves of the U.S.A.F. or the Florida National Guard.

Current law requires a state agency to develop a veterans' recruitment plan. The bill additionally requires a political subdivision of the state to implement a veterans' recruitment plan.

The bill makes conforming changes to statutory cross-references.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

More state job positions may be available to a person qualifying under a veterans' preference for employment, both due to the educational waiver and increase in points

awarded by examination provided in the bill. Additionally, fewer types of positions are made exempt.

C. **Government Sector Impact:**

A political subdivision of the state must now develop a written veterans' recruitment plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.065, 295.07, 295.08, 295.085, 295.09, and 1002.36.

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.