

MCLdepartmentOctober2017Part2

Dear Commandant LaMont

Since the legislature was forced to cancel all of its September Interim Committee Meetings due to the Hurricane, the rest of the year's timeframe will be compressed. The Committees met in Tallahassee twice during the month of October and discussed several issues of potential interest to the League.

Legislative Process

As we get closer to the start of the 2018 regular session of the Florida legislature, a brief explanation of the way the process works might help you to understand this and future reports. First of all, the Legislature meets for only 60 calendar days each year, unless they are called into "special" sessions, an unusual occurrence. Also, Florida operates in what is known as a bicameral system with both a House of Representatives and a Senate acting on legislation. Finally, under Florida's constitution, the same bill must pass both the House and Senate and be approved by the Governor before it becomes law.

In order for a piece of legislation to go through the committee process at both ends of the Hall in this short 60-day timeframe, identical bills must be moved by each body. These are called "companion bills". An example of how it works may make the process clearer. Let's say Marine-friendly identical House and Senate bills are moving through the process. Further, let's say that the Senate bill is moving faster and passes the Senate before the House companion is voted upon. What will happen is that the Senate version will be sent to the House. The House will bring up its version and "substitute" the Senate version for it and pass the Senate version. Thus, the same bill has passed both chambers and can be sent to the Governor. That is the way the process works.

Interim Committee Meetings

CS/SB 104 by Sen. Garcia—passed out of its first Senate committee of reference on October 12th, when the Military and Veterans Affairs, Space, and Domestic Security took up the bill, amended it, and passed with a unanimous vote. As amended, the bill would create a new s. 295.231, F. S., establishing the Veterans Employment Small Business Grant Program within the Department of Economic Opportunity. It would be administered by Florida Is For Veterans, Inc. (the Corporation), to encourage small businesses in Florida to hire veterans. It defines a "small business" to mean an independently owned and operated, for-profit privately held business that employs 50 or fewer persons; generates \$1 million or less in annual revenue; and has maintained its principal place of business in Florida for at least the previous 4 calendar years.

Under the provisions of the bill as amended in committee, a small business that hires a veteran as a new employee may receive a one-time grant of:

- Fifteen hundred dollars for each newly hired veteran, as defined by law.

- Three thousand dollars for each newly hired disabled veteran, as defined in s. 295.07 (1) (a).

The total dollar amount of grants awarded to a participating small business under the above may not exceed \$10,500 per fiscal year. The business must apply to, and enter into an agreement with the corporation that requires:

- Hire and employ for at least 1 year a qualifying veteran before becoming eligible for the grant.
- Report information regarding the employment status, if required by the corporation.
- Pay each qualifying veteran an amount equal to at least 90 percent of the annual median income for veterans in Florida at the time of the hire, based on the most recent American Community Survey 1-year estimates published by the U. S. Census Bureau.
- Use the grant money for specified items that facilitate the creation of additional jobs for veterans.
- Not receive any additional grant awards for rehiring a veteran who it previously claimed as an employee under this program.
- Receive a grant only for a veteran initially hired on or after July 1, 2018, through June 30, 2023.

It requires the corporation to notify the various county regional business development center about the program. It provides for yearly reports to the legislature and specifies what information must be included. See the bill for details. Finally, beginning July 1, 2018, and for the 2018-2019 through the 2022-2023 fiscal years, the sum of \$500,000 is appropriated from the State Economic Enhancement and Development Trust Fund to pay for the program. The total grant money awarded each fiscal year is \$500,000.

At this time, there has been no House companion bill filed, but one is expected.

The Committee also received status reports on two veteran-friendly programs. The first report was on the Crisis Center of Tampa Bay. It was established in 1972 and currently serves 5 counties. Since 2015, it has received over 10,000 calls from veterans and their families. Sixty eight percent of the calls/contacts came from the veteran, 13 percent came from the veteran's spouse, and the remainder came from children and relatives. It has provided over 23,000 resources to those veterans and helped coordinate 1783 services with other entities.

The second report dealt with Veterans Courts. Under Florida statute s. 394.47891, the chief judge of each judicial circuit may establish a Military Veterans and Service members Court Program under which veterans and service members who are charged or convicted of certain criminal offenses and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problems, can be sentenced in a manner that appropriately addresses the illness, injury, disorder, or problem through services tailored to the individual needs of the participant. Veterans eligible to participate do not include those who

were dishonorably discharged or who are charged with the more serious felonies listed in s. 948.06 (8) (c), F. S. The program includes regular appearances before the court, mandatory treatment sessions, frequent testing for substance abuse, and mentoring by other veterans.

The Florida House Health Care Appropriations Subcommittee met on October 11th and received the FY 2018-19 budget requests from the Florida Department of Veterans' Affairs. The request had two parts: \$12,687,996 from state Trust Fund dollars, and \$2,015,280 from General revenue, for a total "request" of almost 15 million dollars.

Major budget issues included:

- \$2,000,000 for Capital Improvements for the State Veterans' Domiciliary Homes Program to do maintenance, repair, and replacement of Fixed Capital Outlay at the Homes and at each of the six State Veterans' Nursing Homes.
- \$7,834,239 for a new State Veterans Nursing Home, Lake Baldwin, located in Orange County.
- \$197,084 for the New State Veterans' Nursing Home, Ardie R. Copas, located in St Lucie County, to provide for initial staffing of four full time positions for monitoring of the construction of the facility and the development of operational plans.
- \$528,960 for six new infection prevention positions for each of the six State Veterans' Nursing Homes.
- \$386,060 for five new Veterans' Claims Examiner Positions.
- Finally, the Department requested the following amounts to meet the duties and responsibilities of the Florida Is For Veterans, Inc.: \$1,000,000 to provide grants to target industry businesses for veteran's trainees under the Veterans Workforce Training Grants for Veterans program; \$750,000 to continue providing veterans entrepreneurs assistance and training to successfully start businesses under the Entrepreneur Training Program; and \$70,000 for a position that would develop and manage partnerships with external organizations.

The presentation also included the "suggested" reductions required by the Florida Constitution, Article II, Section 19 (h) and Florida Statute s. 216.221 (5). This is an exercise that each department must do in order to give the Legislative budget writers some guidance in case cuts are necessary. The benchmark for next year appears to be 10 percent. It doesn't reflect a reduction that the Department wants; merely what could be done if required because of an overall budget shortfall. They include:

- -\$34,411 from Florida is For Veterans, Inc.
- -\$603,409 from the Division of Veterans' Benefits and Assistance. It would entail a reduction in workforce of approximately 11 positions in veterans' outreach.
- -\$419,740 from the Executive Direction & Support Services.
- -\$34,411 from Florida Is For Veterans, Inc.
- -\$5,975,239 from the State Veterans' Homes Program.

SB 328 by Sen. Baxley—passed out of the Senate Transportation Committee on October 24th. It creates a new s.322.0511, entitled “Veteran Identification Cards”. It is a 20-page bill creating a veteran identification card to be used as proof of veteran status for the purpose of obtaining discounts or waivers offered to veterans for the exchange of goods and services and for other purposes authorized by law. Note, however, it can’t be used for the determination of any federal benefits, and does not replace motor vehicle ID cards under s. 322.051, or certain educational benefits for dependent children of deceased or 100% disabled veterans under s. 295.17. It provides for a \$10 fee and sets forth elements of proof for obtaining the card. The remainder of the bill is devoted to cross references to the various benefits available to veterans under current Florida law. See the bill for details. It appears to be aimed primarily at providing an ID card for those veterans who may not have other ID cards. It is effective January 1, 2019. Its companion, HB 107 by Rep. Combee, has already passed out of its first two committees of reference. The bills appear to be on a fast-track for passage.

SB 100 by Sen. Steube—passed out of the Senate Military and Veterans Affairs, Space & Domestic Security Committee on October 26th. It eliminates the \$1 and \$2 fee a veteran must pay to have the word “veteran” displayed on an identification card or driver license issued by the Department of Highway Safety and Motor vehicles. It provides for two additional forms of identification a veteran may present to DHSMF as proof of veteran status. The two additional forms of ID are the:

- Veteran health identification card, issued by the Department of Veterans Affairs; and
- Veteran identification card issued by the U. S. Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015.

Additionally, the bill prohibits tax collectors from charging a veteran the \$6.25 service fee for driver license services rendered pursuant to Chapter 322, F. S., upon presentation of specified documentation proving an individual is a veteran. The bill is effective July 1, 2018 and, at this time, has yet to have a House companion bill.

Pre-Filed Bills

HB 179 by Rep. Burges—creates a new s. 394.9087 that requires the Department of Children and Families, in coordination with the Florida Alliance of Information and Referral Services, to establish the Florida Veterans’ Care Coordination Program. The Department shall contract with managing entities to enter into agreements with Florida 211 Network participants to provide veterans and their families with dedicated behavioral health care referral services, especially mental health and substance abuse services. The program shall be modeled after the proof-of-concept pilot program established in Hillsborough, Pasco, Pinellas, Polk, and Manatee Counties in 2014 by the Crisis Center of Tampa Bay and the Florida Department of Veterans’ Affairs and be made available statewide. It sets for the goals of the program to include:

- Prevention of suicides by veterans;

- Increasing the use of U. S. Department of Veterans Affairs programs and services by veterans; and
- Increasing the number of veterans who use other available community-based programs and services.

The program services are to be provided by program teams operated by Florida 211 Network participants and the 211 Network participants may provide services in more than one managing entity's geographic area under a single contract. It sets forth the services to be provided and provides for reports to the House, Senate and Governor by December 15, 2019. See the bill for details. The sum of \$2,000.155 is appropriated to DFS for the program next fiscal year. Its Senate companion is SB 326 by Sen. Young. Neither bill has yet to be heard.

SB 172 by Sen. Brandes—amends s. 320.084, a statute granting free license plates to veterans who use wheelchairs. It provides that an owner or lessee of a motor vehicle who resides in Florida and qualifies for a license plate under this section or a Purple Heart license plate under s. 320.089, shall be issued a license plate stamped with the term “combat-wounded veteran” followed by the serial number of the license plate and the international “handicap” symbol of accessibility. It has no House companion at this time, but one is expected to be filed.

SB 460 by Sen. Gainer—provides that a Florida College System Institution may waive any portion of the student activity and service fee, the financial aid fee, the technology fee, the capital improvement fee, and any other fees authorized in s. 1009.23 for a person who is an active duty member of the armed forces of the U.S. using military tuition assistance provided by the Department of Defense. It provides for reports to the State Board of Education on the number and amount of such waivers. Section 1009.23 appears to include out-of-state tuition fees, but it is unclear if that can also be waived. It is effective July 1, 2018. Its House companion, HB 75 by Rep. Ponder, passed out of the House Post-Secondary Education Subcommittee on October 25th.

SB 470 by Sen. Stargel—provides an exemption from the basic recruit training program approved by the Criminal Justice Standards and Training Commission for former special operations forces personnel seeking employment in law enforcement. It defines “special operations forces” to mean those active and reserve component forces of military services designated by the Secretary of Defense and specifically organized, trained, and equipped to conduct and support special operations. See the bill for those entities included in the definition. It provides for documentation and is effective July 1, 2018. Its House companion is HB 333 by Rep. Burges.

SB 440 by Sens. Garcia and Flores—creates the Florida Veterans Care program within the Agency for Health Care Administration. The purpose of the program is to leverage the structure and operations of the Medicaid managed care program, to provide Florida Veterans and their families with access to a quality alternative to the federal veterans' health care system. The agency, in consultation with the Department of Veterans' Affairs, is authorized to negotiate

with applicable federal agencies and to seek approval for a waiver, a state plan amendment, or other federal authorization for federal funding for the Florida Veterans Care program. It provides for voluntary enrollment and specifically provides that this section does not affect a person's eligibility for services under the Medicaid program. Finally, it provides that, notwithstanding s. 292.05 (7), the agency and the department may not implement this section without prior legislative approval. It is effective July 1, 2018. It does not yet have a House companion.

Budget Process

Many of the issues of importance to Marine veterans will be contained within the budget process. Ironically, the budget is the only piece of legislation that the Florida Constitution says must be passed each year. Since it is so important, it is usually controversial and is almost always the last piece of legislation to be passed. It is also the only piece of Legislation that allows for the Governor to veto some of the provisions without vetoing the entire bill. It is called a "line-item" veto; in all other cases, the governor must veto an entire piece of legislation in order to disapprove it. We will report in more detail as the budget is developed.