Dear Commandant LaMont

The midterm elections are now over and the Legislature is getting organized into various committees in anticipation of a March 5th start of the 2019 Regular Session. Committee meetings are scheduled for December, January and March, where most of the preliminary work on legislation will be done. Pre-filed bills of interest to veterans in general and Marines in particular are starting to appear. With new leadership at both ends of the hall, we will see some structural changes in the committees and we will begin to see what will be the Legislature’s priorities for the coming Session. Add to that mix is new leadership in the Executive branch with the election of a new Governor. It will probably take a few weeks in early January for all of this to shake out. Finally, a number of constitutional amendments were passed by the required 60 percent margin. Some of them are self-executing, and some will require Legislative action or Executive Department rule making. It should prove to be an interesting year.

2019 Changes in Leadership

2019 heralded in changes in the leadership in both the Executive and Legislative branches of government that could impact veterans in general and Marines in particular. Newly elected Republican Governor Ron DeSantis, himself a veteran, has started to fill out his Cabinet appointments. One of great interest to us is his pick for the head of the Florida Department of Veterans’ Affairs. For the post of executive director, Governor DeSantis picked Representative Danny Burges. Burgess is a captain and judge advocate in the U. S. Army Reserves and is very familiar with the many issues facing veterans today. His appointment will require approval from the Florida Cabinet, but we would be surprised if there is any opposition to the pick.

Both the House and Senate have appointed Chairs for their respective committees dealing with veterans’ issues. In the Senate, veterans’ issues fall under the jurisdiction of the Committee on Military and Veterans Affairs and Space. It is chaired by Republican Senator Tom A. Wright, with Democrat Senator Janet Cruz as vice-chair. Members include Senators Doug Bronson (R), George B Gainer (R), Gayle Herrell (D), Jason W. B. Pizzo (D) and Victor M Torres, Jr. (D). In the House, veterans’ issues fall under the jurisdiction of the Local, Federal & Veterans Affairs Subcommittee. It is chaired by Republican Rep. Bobby Payne, with Republican Rep. Bob Rommel as vice-chair and Rep. David Silvers as Democratic Ranking Member. Committee members include Republican Reps. James Buchanan, Nick DiCeglie, Wyman Duggan, Brett Thomas Hage, Sam Killbrew, Toby Overdorf, Josie Tomkow and Adrian Zika. Democratic members include Reps. Bruce Antone, Anna Eskamani, Evan Jenne and Shev Jones.

Since many of the issues of important to us are money-related, the appropriation committees at each end of the Hall will also require watching.
Legislative Process

For those readers who are new to the legislative process, let me briefly outline the basics of the process and define a few terms that will be used in subsequent reports. First of all, the Florida Legislature meets every year in a 60 calendar–day session. By special proclamation, the session can be extended or it can be called back in a special session to address specific issues. Florida operates in a BI-CAMERAL system with a separate House and Senate both putting forth their own bills. For ease of keeping track, the bills are numbered differently, with the Senate bills all having even numbers and the House bills receiving odd numbers.

The bills go through a series of committee meetings at each end of the hall before going to the legislative floor for a vote of final passage. Under the Florida Constitution, each bill must be “READ” three times. The first “reading” is usually a pro forma reading of the title, which formally introduces it into the process. “Second” reading comes after the bill has gone through the committee process. It is there that the bill if first debated—and possibly amended—on the floor. On 2nd reading the bills can be amended by a simple majority. Again, the Constitution says that there must be an intervening day before the bill can be “read” for a third time and voted on for final passage by that chamber. On 3rd reading, amendments require a super majority vote.

To pass the Legislature and be presented to the Governor for his action, the SAME bill—not even an identical or similar bill—must pass both the House and Senate in identical form. If a House bill passes the House and an identical Senate bill passes the Senate, it does not become law unless one of the two passes both the House and Senate. Because of limited time available in a 60-day session, the House or Senate will often have a COMPANION bill introduced at the other end of the Hall. Whichever bill passes its Chamber first will be sent to the other end of the Hall where an identical bill has already been heard by committee. They will then substitute one for the other and pass it, allowing the same bill to pass both chambers. It can then be sent to the Governor for his action.

Finally, if the two ends of the hall can’t agree on an important must-pass piece of Legislation, it can be sent to a CONFERENCE COMMITTEE charged with hammering out the differences. Once the Conference Committee comes to agreement, a Conference Committee Report is sent to each end of the Hall for an up or down vote; it can’t be amended. For the last 43 years during which I have been involved in the legislative process, the State budget—the only bill that the Florida Constitution says must pass—has always been decided through the conference committee process.

That, in a nutshell, is the Legislative process. You can now feel qualified to be a lobbyist, especially if you spent last night in a Holiday Inn Express.
Caucus

In legislative parlance, the term “caucus” is used to indicate a grouping of like-minded legislators who will often work together to advance a common goal. There is a Hispanic Caucus, a Black Caucus and, as reported last year, a Veterans Caucus. This year, the Veterans Caucus has new leadership, with Democratic Rep. Matt Willhite as Chair and Republican Rep. Tommy Gregory as vice-chair. With this type of bipartisan leadership, veterans’ issues should be well served.

Other Issues

As mentioned above, there were a number of amendments added to the Florida Constitution. Normally, they can be added by one of three methods:

- Citizens can, by getting sufficient number of signatures, place a proposed amendment on the ballot during a General Election;
- The Legislature can also place a proposed amendment on the ballot.

These two methods must have only one subject and items directly related to it. This is to prevent what is known as “bundling”, (AKA “log-rolling”), where a controversial item might be combined with a very popular one in hopes that the later will bring enough votes (60%) to pass both of them.

The third method is through a constitutional reform commission. There is one every 10 years called the Tax & Budget Reform Commission (TBRC), and one every 20 years called the Constitutional Reform Commission (CRC), which can address just about any issue. Unlike the above two, the CRC can—and did—“bundle unrelated items together; classic “log-rolling”. It worked, because all but one of the proposed revisions met the 60% threshold and were adopted. Seeming unrelated issues like oil drilling and electronic cigarettes (vaping) were lumped together and passed. Because of this, there are bills pending before the Legislature to abolish the CRC, to apply the single subject to all proposed amendments and to raise the threshold for passage from the current 60% to 66 2/3%. See the discussion under “bills”, below. That is not to say that all of the “bundled” proposals that passed were necessarily bad. In fact, one of the bundled provisions in Amendment 10 would provide constitutional protection for the Department of Veterans Affairs. Prior to the passage of this amendment, the authorization for a Department of Veterans Affairs was provided for only in statute. While it is unlikely that any Legislature would vote to abolish it, this makes its creation constitutionally protected. Additionally, Amendment 7 would constitutionally provide that the state would also waive certain educational costs for surviving family members working on a bachelor’s degree, graduate degree and certain other educational certificates. It applies to active members of the Florida National Guard or U. S. military who are stationed or living in Florida at the time of their death.
Budget

Governor DeSantis has just released his proposed budget for the next fiscal year. It sets a very high bar at $91.3 billion. We will have to wait to see what the House and Senate will propose. Some of the House budget requests have been filed and I will include them in the next installment of this report. While the House has a process for individual members to file budget requests, both the House and Senate will produce budget proposals for the various departments of government. When all is said and done, the House & Senate will each produce their own bill. They will then start the “conference Committee” process to reconcile the differences. This usually takes place in the waning days of the 60-day Session. Stay tuned.

Bills

There is over a month until the start of the 2019 General Session of the Florida Legislature, but a number of bills of interest have already been filed.

HB 51 by Rep. Sirois—would increase from $500 to $5,000, the property tax exemption for widows, widowers, blind persons and persons totally and permanently disabled. Among those entities that can determine whether person is totally and permanently disabled is the U. S. Department of Veterans Affairs. Its Senate companion is SB 202 by Sen. Wright.

HJR 53 by Rep. Byrd and others—applies the single subject requirements for revisions and amendments to the Constitution. This joint resolution provides that proposed amendments or revisions by the CRC and the TBRC can have only one subject and matters directly connected to it. On January 22nd, the Senate Judiciary Committee passed SJR 74 by Sen Bradley. It is similar to HJR 53, but applies only to CRC actions. At the committee meeting, Sen. Bradley indicated that he planned to include the same limitations as the House version. SJR 86 by Sen. Rodriguez was also on the committee’s agenda, but the Senator asked for it to be temporarily postponed (TP), and would probably withdraw it or combine it with SJR 74.

HJR 57 by Rep. Roth & others—would raise the threshold for approval of a constitutional amendment from the current 60 % to 66 2/3 %. Its Senate companion is SJR 232 by Sen. Baxley.

HB 97 by Rep. Hill—prohibits damage to or removal of certain “remembrance” monuments or memorials on public property, including those applying to veterans. It defines “remembrance” on public property to mean an exhibit; artwork, including a painting, stained glass, or a statue; a monument; a memorial; a nameplate; a historical marker; a symbol, including a religious symbol; a tombstone; a plaque, a seal; a logo; a road name; a building, structure or an educational facility name; a historical flag or other display; a geographic area, natural or manmade landscape, or feature fountain; or a similar object that was made to honor or commemorate. It defines “veteran” in s. 1.01 (14) to include Bay of Pigs Invasion, April 1961. It also makes numerous other covered entities subject to protections of the bill. See the bill for details. Its companion bill is SB 288 by Sen. Baxley.
HB 159 by Rep. Casello & others—it exempt certain items from sales tax in an effort to allow a person to age in place and live independently in their own home or residence. Items include certain beds, hand rails and grab rails and shower seats. Its companion, SB 176 by Sen. Berman, passed out of the Senate Committee on Children, families & Elder Affairs on January 22nd.

HB 217 by Rep. Hattersley—allows college credit for military experience. Current law already allows college credit for training and education courses. It requires the Governors of the State Board of Education to adopt uniform standards to enable eligible service members or veterans to earn academic college credits. The bill also amends s. 1009.26, F. S., to require state universities, Florida College Systems, career centers operated by school districts under s. 1001.44, or charter technical centers to waive the transcript fees for a person who is an active duty member of the U. S. Armed Forces or an honorably discharged veteran. It provides for reports by the schools. See the bill for details. Its Senate companion is SB 422 by Sen. Lee.

HB 225 by Rep. Beitran & others—provides that district school boards may not prohibit students from lawfully wearing the uniform of any branch of the military or naval services of the U. S. or of the state at graduation ceremonies. Its Senate companion is SB 292 by Sen. Lee.

HJR 217 by Rep. Rodriguez—is a proposed constitutional revision that would allow the Legislature, by general law, to provide a homestead tax exemption from district school district levies to persons age 65 or older who have legal or equitable title to homestead property and who have maintained permanent residence thereon for at least 25 years. Its Senate companion is SJR 344 by Sen. Diaz.

HB 343 by Rep. Yarborough—allows licensed physical therapists to issue certificates of disability for a disabled parking permit. Currently, only a doctor can do so. It has no Senate companion at this time.

HB 345 by Rep. Alexander—provides for an Educational Dollar for Duty Program. Revises the eligibility criteria for members of the Florida National Guard. The program will cover up to 50 percent of tuition and fees for certain doctoral and professional degree programs. Current law appears to only apply to master’s programs. It has no Senate companion at this time.

HB 365 by Reps. Hattersley, Webb & others—creates a new s. 394.9087. It requires the Florida Department of Children and Families, in consultation with the Florida Alliance of Information and Referral Services to establish the Florida Veterans’ Care Coordination Program. The program will 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 will be modeled after the proof-of-concept pilot programs established in 2014 by the Crisis Center of Tampa Bay and the Florida Department of Veterans’ Affairs in Hillsborough, Pasco, Pinellas, Polk and Manatee Counties. It proposes a budget of $2,000,155 for the 2019-20 fiscal year. See the 8-page bill for further details. It has no Senate companion at this time.
HB 427 by Reps. Gregory & Sabatini—creates a new s. 256.16 that designates the “Honor and Remember” flag as the state’s emblem of service and sacrifice of the brave men and women of the U. S. Armed Forces who have given their lives in the line of duty. It provides that the flag may be flown at any state-owned building at which the U. S. flag is displayed, at any state-owned military memorials and at any other state-owned location. It provides a list of days in which it may be flown and sets forth the manner in which it may be flown. It also allows local governments to fly it as well. See the bill for details. At this time it has no Senate companion.