

**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 Education Pre-K – 12 Committee

BILL: CS/SB 2462

INTRODUCER: Military Affairs and Domestic Security Committee and Senator Deutch

SUBJECT: Veterans

DATE: March 29, 2009      REVISED: 03/31/09

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Pardue</u>	<u>Skelton</u>	<u>MS</u>	<b>Fav/CS</b>
2.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<b>Fav/1 amendment</b>
3.	<u>                    </u>	<u>                    </u>	<u>CF</u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>HA</u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
6.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill requires each school district to annually observe November 11 as Veterans’ Day and to observe a Veterans’ Appreciation Week. The school districts are directed in the bill to provide programs during the Veterans’ Appreciation Week that include the contributions made by veterans to state and country.

The bill also provides for the establishment of three pilot projects to address the issues of suicide prevention and reduction of suicide among veterans. The bill, however, does not provide for an appropriation to fund the proposed pilot projects.

In addition, the bill authorizes the establishment of a direct-support organization to assist the Statewide Office for Suicide Prevention with securing funding for veterans’ suicide prevention and other suicide prevention initiatives.

The bill creates three unnumbered sections of the Florida Statutes.

## II. Present Situation:

### **Veterans' Day**

Veterans' Day was created by a Congressional concurrent resolution passed in 1926 recognizing November 11th as a day to annually commemorate the cessation of World War I. Subsequent legislation in 1938, made November 11th a national holiday to be known and celebrated as "Armistice Day." In 1954, the Congress changed the name and scope of the holiday to "Veterans' Day." Since then, Veterans' Day is celebrated to honor American veterans of all wars.<sup>1</sup> Activities recognizing American veterans are frequently conducted in either the week prior to or subsequent to November 11th as well as on the day itself.

Florida law provides for the celebration of Veterans' Day as a paid holiday observed by all state branches and agencies.<sup>2</sup> However, Florida district school boards may designate the observance of school holidays and vacation periods within their respective districts.<sup>3</sup> Currently, 41 of Florida's 67 school districts observe Veterans' Day as a school holiday.<sup>4</sup>

Florida public schools are currently required by law to provide instruction to encourage patriotism, through knowledge of the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.<sup>5</sup>

### **Suicide Prevention in Florida and Efforts to Prevent Suicide Among Veterans**

In 1984, the Legislature passed the Florida Youth Emotional Development and Suicide Prevention Act.<sup>6</sup> The act required the Department of Health and Rehabilitative Services, in cooperation with the Florida Department of Education and the Florida Department of Law Enforcement, to develop a state plan for youth suicide prevention. While the initial state initiative highlighted suicide prevention among Florida's youth, subsequent prevention initiatives have covered other age groups and populations.

The 2007 Legislature established the Statewide Office of Suicide Prevention within the Governor's Office of Drug Control. This office is tasked to develop a network of community-based programs to improve suicide prevention initiatives, prepare and implement a statewide plan, increase public awareness, and coordinate education and training curricula in suicide prevention.<sup>7</sup>

Nationally, suicide is the third leading cause of death among young people ages 15-24 and the second leading cause of death for young adults ages 25-34. Overall, suicide is America's 11th leading cause of death, claiming the lives of over 30,000 Americans per year. Of those deaths,

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<sup>1</sup> U.S. Department of Veterans Affairs website at <http://www1.va.gov/opa/vetsday/vetdayhistory.asp>.

<sup>2</sup> s. 110.17, F.S.

<sup>3</sup> s. 1001.42 (4) (g), F.S.

<sup>4</sup> Florida Department of Education Statistical Brief, School District Calendars, 2008-2009, at <http://www.fldoe.org/eias/eiaspubs/pdf/calendar.pdf>.

<sup>5</sup> s. 1003.42 (2) (t), F.S.

<sup>6</sup> ch. 84-317, L.O.F.

<sup>7</sup> s. 14.2019, F.S.

2,570 occurred within the state of Florida in 2007 at a rate of 13.7 per 100,000, far higher than the national average.<sup>8</sup> Florida ranks third in the nation for highest number of suicide fatalities, and has the 18<sup>th</sup> highest suicide rate. It is the state's ninth leading cause of death.<sup>9</sup>

The Florida Department of Veterans' Affairs estimates there are 1.8 million veterans in Florida.<sup>10</sup> Of these, approximately 30 percent receive health care services from the U. S. Department of Veterans' Affairs (VA). The VA operates a statewide system of health care facilities including seven medical centers or hospitals and supported by a system of 43 mid-sized outpatient clinics and small-sized, community-based outpatient clinics.

Mental health services are available throughout Florida's VA system either on site, if available, or through referral to a nearby VA facility where mental health professional staff is available. In addition, the VA operates 15 Vet Centers and Vet Center Outstations throughout the state providing counseling services for post-service readjustment, Post Traumatic Stress Disorder (PTSD), and sexual assault.

Vet Centers primarily focus on providing services to combat veterans and their families. Vet Centers are a separate program, independent from the VA healthcare system, but work in conjunction with nearby VA healthcare facilities for certain mental health services.<sup>11</sup> Enrollment in the VA healthcare system is not required for veterans to use the services of a Vet Center.

Congress passed H. R. 327, the Joshua Omvig Veterans Suicide Prevention Act in November 2007. The act expresses the sense of Congress that suicide among veterans suffering from PTSD is a serious problem and that the Secretary of Veterans Affairs should take into consideration the special needs of such veterans and of elderly veterans who are at high risk of depression and experience high rates of suicide. The act directs the Secretary to develop a comprehensive program to reduce the incidence of suicide among veterans. Prior to the adoption of this act, the VA had suicide prevention measures in place. For example, the VA mandated annual depression screening at all VA primary clinics in 1998.<sup>12</sup> The VA established the National Center for Post Traumatic Stress Disorder which treats PTSD and sponsors research into the relationship between PTSD and the risk of suicide. The center's website publishes information relating to PTSD and the risk of suicide.<sup>13</sup> The VA provides information regarding suicide prevention awareness and a 1-800 suicide crisis hotline.<sup>14</sup> According to the Florida Department of Veterans' Affairs, the VA spends nearly \$3 billion annually for mental health services nationwide.

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<sup>8</sup> According to the Centers for Disease Control and Prevention (CDC), the 2006 national average suicide rate was 11.0 per 100,000. See CDC Self-inflicted Injury-Suicide, available at: <http://www.cdc.gov/nchs/fastats/suicide.htm> (last visited March 5, 2009).

<sup>9</sup> Florida Statewide Office of Suicide Prevention Annual Report, January 2008, page 2.

<sup>10</sup> The largest concentration of veterans living in Florida is in Palm Beach County (122,770) followed by Broward (117,923), Pinellas (108,814), Hillsborough (100,573), and Duval (94,679) according to the U. S. Department of Veterans Affairs.

<sup>11</sup> See U. S. Department of Veterans Affairs Florida facility locations at <http://www2.va.gov/directory/guide/state.asp?State=FL&dnum=ALL> .

<sup>12</sup> Depression Screening in a VA Primary Care Clinic, available at: <http://www.ps.psychiatryonline.org>, December 2006, Vol. 57, No. 12, page, 1694.

<sup>13</sup> United States Department of Veterans Affairs, National Center for Posttraumatic Stress Disorder, website: [http://www.ncptsd.va.gov/ncmain/ncdocs/fact\\_shts/fs\\_suicide.html](http://www.ncptsd.va.gov/ncmain/ncdocs/fact_shts/fs_suicide.html) (last visited on March 31, 2008).

<sup>14</sup> United States Department of Veterans Affairs, Mental Health website: <http://www.mentalhealth.va.gov> (last visited on March 31, 2008).

Each of the military services has an active suicide prevention program.<sup>15</sup> Military members returning from combat deployment, including members of the National Guard, receive a Post-Deployment Health Re-Assessment which is administered within 90 to 120 days of return. Data from these assessments indicate 38 percent of Soldiers and 31 percent of Marines report psychological symptoms. Among members of the National Guard, the figure rises to 49 percent.<sup>16</sup> The Florida National Guard is currently developing improvements to its outreach program to assist returning members and their families in obtaining available VA healthcare.<sup>17</sup>

However, the Department of Defense's Task Force on Mental Health identified significant gaps in the continuum of care for psychological health, citing among other issues, insufficient access to mental health professionals for service members and their family members.<sup>18</sup>

### **Florida Certification Board**

The Florida Certification Board (FCB) is a non-profit corporation that provides certification for substance abuse counselors, prevention specialists, criminal justice professionals, mental health professionals, and behavioral health technicians in Florida. FCB is governed by a Board of Directors of up to 20 members who represent the addiction profession constituency in Florida.<sup>19</sup>

### **Direct-Support Organizations**

Florida law provides for the establishment of direct-support organizations as a means to assist state agencies in accomplishing their missions. Direct-support organizations are established as Florida not-for-profit corporations under ch. 617, F.S., and approved by the Department of State. Section 617.01401(5), F.S., defines the term corporation not-for-profit as, "a corporation no part of the income or profit of which is distributable to its members, directors, or officers."<sup>20</sup>

Direct-support organizations perform a variety of services to state agencies including:

- Raising money;
- Submitting requests for and receiving grants from the federal government, the state or its political subdivisions;
- Receiving, holding, investing, and administering property;
- Assisting an agency in performing its mission; and
- Making expenditures for the benefit of the supported agency.<sup>21</sup>

Direct-support organizations have been established to support a wide array of services and agencies including child abuse prevention and adoption; tourism; public guardianship; victims of

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<sup>15</sup> Suicide Prevention Resource Center Library website: <http://library.sprc.org/browse.php?catid=116646> (last visited on March 31, 2008).

<sup>16</sup> Senate Committee on Military Affairs and Domestic Security Interim Project Report 2008-145, Florida Veterans' Healthcare Facilities and Outreach Services, October, 2007.

<sup>17</sup> Id.

<sup>18</sup> Defense Health Board Task Force on Mental Health, "An Achievable Vision: Report of the Department of Defense Task Force on Mental Health, June 2007, page ES-3.

<sup>19</sup> Florida Certification Board website at <http://www.flcertificationboard.org>.

<sup>20</sup> Section 617.01401, F.S.

<sup>21</sup> Sections 39.0011, 250.115, 267.1732, 267.1736, 288.1226, 570.903, 744.7082, 944.802, 960.002, 985.672, 1001.453, 1004.28, 1004.70, and 1009.983, F.S.

crime; universities, community colleges, and school districts; the Florida National Guard; the Departments of Corrections, Juvenile Justice, and Agriculture and Consumer Services; and the Florida Prepaid College Board.<sup>22</sup>

Florida law generally requires direct-support organizations to:

- Operate under written contract with the supported agency;
- Be governed by a board of directors; and
- Operate for the benefit of and in a manner consistent with the goals of the agency and in the best interest of the state.

### III. Effect of Proposed Changes:

#### **School District Responsibilities**

This bill directs each school district to observe November 11 of each year as Veterans' Day and to observe a Veterans' Appreciation Week. In any year in which November 11 falls on a Saturday or Sunday, Veterans' Appreciation Week shall be observed the week immediately preceding or following November 11. During Veterans' Appreciation Week, school districts are required to provide programs that instruct students on the history and contributions of veterans to our state and country.

#### **Suicide Prevention Pilot Projects**

The bill directs the Department of Children and Family Services, subject to the availability of public or private funding, to establish up to three pilot projects in the three areas of the state which have the largest concentration of veterans. The purpose of the pilot projects is to reduce the incidence of suicide by increasing access to mental health services for veterans and their families who are not currently being served by the U. S. Department of Veterans Affairs.

The department is directed to develop a new veteran-peer-specialist credential and a statewide certification process for certifying veteran-peer-specialists through the Florida Certification Board. The purpose of this process is to create a cadre of certified specialists to assist in providing peer support for veterans.

Each pilot project must:

- Provide outreach for veterans, their families, and the community to increase information availability regarding access to services for at risk veterans. Outreach activities include linkage to service resources, dissemination of information, and education to:
  - Increase public awareness about the unique needs of veterans and the risks and warning signs of suicide among veterans;
  - Coordinate and train professionals who provide services for at-risk veterans;
  - Identify available services and specialized assistance for veterans and family members;
  - Provide education on veterans' issues and trauma; and
  - Mobilize a recovery-oriented system of care within the community for at-risk veterans;

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<sup>22</sup> Id.

- Develop a veteran-to-veteran peer support program with continual outreach to reduce isolation and the risk of suicide, conduct formal assessments to determine if referral is needed, and assist veterans in locating local services;
- Conduct a needs assessment of local substance abuse and mental health providers in the pilot project areas to determine if sufficient trained providers are available to meet veteran's specific needs and an increased demand for services;
- Work with community emergency response resources to more effectively address crisis involving veterans and their families. The pilot programs must provide for emergency referral training, immediate incident documentation, and emergency incident follow-up;
- Offer post deployment reintegration sessions for veterans returning from Operation Iraqi Freedom or Operation Enduring Freedom at four, six, and ten months after returning home; and
- Establish a veterans' information program for student veterans and college and university personnel serving student veterans. Key program components include:
  - A faculty training component that provides training on the symptoms and warning signs of suicide among veterans;
  - A student veterans component that holds regular workshops and disseminates literature for student veterans that relates to the issues and stresses experienced by veterans in an academic setting; and
  - A community emergency response component that effectively addresses and links emergency responders to veterans' resources and persons trained in veterans' issues.

The bill directs the Statewide Office for Suicide Prevention, the Department of Veterans' Affairs, and the Florida National Guard to enter into partnerships with the pilot projects and community providers to implement this initiative.

The Department of Children and Family Services is directed to design an evaluation methodology to measure the efficacy of the pilot projects. An evaluation report is required and must be presented to the Governor, the President of the Senate, and the Speaker of the House by March 1, 2012. The evaluation must consider whether the pilot projects have:

- Improved veteran access to community linkages and resources and have helped veterans to be self-sufficient members of the community;
- Educated, increased awareness of, and mobilized the community about suicide as a public health program especially as it relates to veterans;
- Reduced the danger and incidence of suicide among veterans; and
- Increased the likelihood of long-term community commitment to providing veterans' support.

The bill provides a pilot project expiration date of July 1, 2012.

### **Suicide Prevention Direct Support Organization (DSO)**

The bill authorizes the Statewide Office for Suicide Prevention to establish a direct-support organization to assist with securing funding for veteran's suicide prevention and other suicide

prevention initiatives. Such a direct-support organization may support the pilot projects described in this act.

The direct-support organization must be:

- A not-for-profit Florida corporation, incorporated under ch. 617, F.S., and approved by the Secretary of State;
- Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer property and funds in its own name; and make expenditures for the benefit of the purpose specified by this bill; and
- Annually certified by the office, after review, to be operating in a manner consistent with the goals of this bill and in the best interests of the state. Such certification must be made to the Office of Drug Control.

The direct-support organization shall be governed by a seven-member board of directors appointed by and serving at the pleasure of the office for terms not to exceed four years.

The bill requires the direct-support organization to operate under a written contract that provides for:

- Approval of the articles of incorporation and by-laws by the office;
- A fiscal year that begins July 1 of each year and ends June 30 the following year;
- Submission of an annual budget for approval of the office;
- Any procedures or conditions with which the organization must comply to use property, facilities, or personnel services of the office and to meet administrative services of the office;
- Disclosure of the material provisions of the contract and the distinction between the Office for Suicide Prevention and the direct-support organization to donors of gifts, contributions, or bequests, as well as on all promotional and fund raising publications; and
- Reversion to the office or the state of moneys and property held in trust by the organization if the organization is no longer approved to operate or ceases to exist.

The office may authorize the use of its facilities and property, other than money, and personnel services to the direct-support organization. The term “personnel services” includes full-time and part-time personnel as well as payroll processing.

Moneys of the direct-support organization shall be held in a separate depository account in the name of the organization and subject to the provisions of its contract. Such moneys may include membership fees, private donations, income derived from fundraising activities, and grants applied for and received by the organization.

The direct-support organization is subject to an annual financial audit in accordance with s. 215.981, F.S.

The bill provides an effective date of July 1, 2009.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill provides for the establishment of three pilot projects that would require the services of substance abuse, mental health, and education professionals who would receive compensation for their services if the projects become funded.

## C. Government Sector Impact:

The cost of the three proposed pilot projects is indeterminate at this time and the bill does not provide for an appropriation to the fund the projects. If the Legislature does not provide an appropriation for funding, the projects would have to rely on fundraising by the proposed direct-support organization. No other government fiscal support for the projects is required by the bill.

The Statewide Office for Suicide Prevention is authorized to provide the use of its facilities and property, other than money, and personnel services to the direct-support organization. The cost of this support is indeterminate but likely negligible.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Military Affairs and Domestic Security on March 18, 2009:**

This committee substitute clarifies requirements for the observance of Veterans' Day on November 11 of each year. In addition, the substitute makes technical corrections and reorganizes paragraph structure without material change to the content.

- B. Amendments:

**Barcode 384100 by Education Pre-K – 12 Committee on March 31, 2009:**

The amendment removes the provisions relating to the Veterans' suicide prevention pilot projects (WITH TITLE AMENDMENT).