

## Notice of Proposed Rule

### DEPARTMENT OF VETERANS' AFFAIRS

#### RULE NOS.:RULE TITLES:

- 55-14.001 Eligibility and Criteria to be considered for the Veterans' Hall of Fame recognition and honor.
- 55-14.002 Anticipated timing for nomination; acceptance; recommendation; selection; Veterans' Day induction.
- 55-14.003 The Nomination Package.
- 55-14.004 Responsibilities of the Florida Veterans' Hall of Fame Council; the Department of Veterans' Affairs.

PURPOSE AND EFFECT: Section 265.003, F.S., was enacted among the many memorial provisions of Chapter 265, FS, to recognize and honor the many contributions made by Floridians. The Florida Legislature has created the opportunity to honor military veterans whose good works before and after military service have made a significant contribution to the State of Florida. Honorees are selected by the Governor and the Cabinet after the Florida Veterans' Hall of Fame Council engages in a qualification process that results in annual recommendations for up to 20 nominations. The honorees will be named on a plaque and displayed in a special area on the Plaza Level of the Florida Capitol Building. These rules will detail the nomination process.

SUMMARY: The Florida Veterans' Hall of Fame Council will meet to hear public comments and vote to revise or modify the language of the Proposed Rule Chapter consisting of four rules and a form.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 292.05(3) and 265.003(5), FS.

LAW IMPLEMENTED: 265.003, FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 25, 2022, beginning at 10:00 a.m., until voting is completed, no later than 11:00 a.m.

PLACE: Join the meeting using one of these options:

1) From your computer, tablet or smartphone <https://meet.goto.com/928127981>

2) You can also dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1(877)309-2073 - One-touch: tel:+15713173129,,928127981#

United States: (571)317-3129 - One-touch: tel:+15713173129,,928127981# Access Code: 928-127-981

3) In person Mary Grizzle Building, Room 342, 11351 Ulmerton Road, Largo, Florida 33778.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: [AgencyClerk@FDVA.STATE.FL.US/](mailto:AgencyClerk@FDVA.STATE.FL.US/). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki Goonen, Agency Clerk, [AgencyClerk@FDVA.STATE.FL.US/](mailto:AgencyClerk@FDVA.STATE.FL.US/) or (727)518-3202, extension 5639

THE FULL TEXT OF THE PROPOSED RULE IS:

**55-14.001 Eligibility and Criteria to be considered for the Veterans' Hall of Fame recognition and honor.**  
Each year, the Florida Veterans' Hall of Fame Council, an advisory council to the Department of Veterans' Affairs, accepts nominations and compiles a list of no more than 20 Nominees to the Department of Veterans' Affairs for transmittal to the Governor and the Cabinet, which selects the inductees for that year, in accordance with Section 265.003(4), FS.

(1) Eligibility for nomination is based on the following criteria:

(a) Nominations may be made directly by the person seeking this honor, or indirectly by a proponent who may be a friend, family member, or other person who believes that the nominee merits consideration for this honor for his or her significant good works and contributions to the State of Florida during or after military service.

(b) Nominees shall meet the definition of "Veteran" as defined by Section 1.01(14), FS, and evidenced by Department of Defense documents such as DD Form 214 that may be obtained from the National Archives at <https://www.archives.gov/veterans/>, or proof of service from the Florida National Guard with NGB Form 22 found at <https://www.ngbpmc.ng.mil/Forms/NGB-Forms/>.

(c) Nominees or proponents shall produce evidence that the nominee received an honorable discharge from any of the United States Armed Forces or Florida National Guard and provide official documentation verifying the Nominee's discharge status.

(d) Nominees shall be of good moral character, as attested to and supported with evidence of good character, if so requested.

(e) Posthumous nominations are acceptable and require records to document military service, just as for living Nominees. If no DD Form 214 or NGB Form 22 is available, proponents may provide other documentation including discharge papers, news articles, affidavits, official letters of service from their branch of service, the Department of Defense, the Florida National Guard, or any other documentation that can be verified.

(f) Military rank cannot be a factor for consideration of a Nominee. Rank will be redacted from the nomination package prior to scoring by the Florida Veterans' Hall of Fame Council.

(g) Employees of the Governor's staff, all constitutionally elected officials in the State of Florida, Florida state agency heads, members of County Veteran Service Offices and members of the Florida Department of Veterans' Affairs, its paid Foundation members and the Veterans' Hall of Fame Council are ineligible for induction until two (2) years after they have left his or her position. The Veterans' Hall of Fame Council may recommend a waiver of the two (2) year requirement for nominees over the age of 70.

(h) As a prerequisite to consideration for this honor, Nominees must have either been born in Florida or have adopted Florida as the Nominee's home state.

(2) The Florida Veterans' Hall of Fame Council shall consider the following criteria and evaluate each factor, giving weight to:

(a) Education and training accomplishments;

(b) Significant civilian significant contributions and accomplishments, whether civic, business, public service, or other pursuits;

(c) Advocacy on behalf of Veterans;

(d) Awards and honors in military and all other fields of endeavor; and (e) The overall impact made to the State of Florida.

(3) Nominees will be scored on a 50 point scale, as follows:

(a) 15 points for impact the Nominee has made to the State of Florida; (b) 10 points for "whole-citizen" evaluation of the Nominee;

(c) 10 points for Nominee's advocacy on behalf of Veterans; (d) 10 points for civic activities and contributions; and

(e) 5 points for awards and/or honors.

Rulemaking Authority 292.05(3) and 265.003(5), FS. Law Implemented 265.003, FS. History—New \_\_\_\_\_.

**55-14.002 Anticipated timing for nomination; acceptance; recommendation; selection; Veterans' Day induction.**

(1) Nomination.

(a) Each Nominee or proponent shall submit the nomination package to the Florida Veteran's Hall of Fame Council between November 30th through March 31<sup>st</sup> of the following year, referred to as "the induction year" or until the first 100 applications have been received at which time the nomination window will close. The Florida Veterans' Hall of Fame Council shall meet at least once during the nomination window to establish the number of Nominees to be selected for the upcoming class.

(b) Nominations will be made by printing, providing requested information, and submitting the complete Nomination Form found at [Nomination Form, DOS placeholder link] and incorporated by reference, with supporting documentation to the following address: Florida Veterans' Hall of Fame Council, The Capitol, 400 S. Monroe Street, Suite 2105, Tallahassee, Florida 33399-0001, or by e-mailing the package to: FVHOF@FDVA.STATE.FL.US/. Any questions may be directed to the Department of Veterans' Affairs at (850) 487-1533.

(2) Acceptance.

(a) The administrative staff for the Florida Veterans' Hall of Fame Council will review each nomination package and determine whether an application is complete with all required supporting documentation, no later than April 30<sup>th</sup> of each year, and shall send a letter of acknowledgement to indicate acceptance of the complete nomination package.

(b) Thereafter, Department of Veterans' Affairs staff will distribute all nomination packages for review by the Florida Veterans' Hall of Fame Council members.

(c) The Florida Veterans' Hall of Fame Council will meet at a noticed time and place during the induction year to consider nominations. The agenda prepared for that meeting will include the full list of Nominees in order to provide information to the public.

(3) Recommendation.

(a) The Florida Veterans' Hall of Fame Council will notice the meeting in the Florida Administrative Register, and will meet to comment, discuss, and evaluate nominees, weighing the various qualities and characteristics of each person in order to score each person for civic, business, public service or other pursuits, and will thereafter vote at that meeting on whom to recommend.

(b) Department of Veterans' Affairs staff will calculate total scores of all Nominees as evaluated by each of the Florida Veterans' Hall of Fame Council members and prioritize the nominations by total scores. Top scoring Nominees will progress to the next stage and their names will be announced to the public before the close of the meeting.

(c) Upon certification of the nominees by the Florida Veterans' Hall of Fame Council Chair, the selected class of Nominees will be transmitted to the Executive Director of the Department of Veterans' Affairs.

(4) Selection.

(a) In accordance with Section 265.003(4), FS, the Executive Director of the Department of Veterans' Affairs will forward up to 20 Nominees recommended by the Florida Veterans' Hall of Fame Council for selection to the Governor and the Cabinet for inclusion on the earliest available Cabinet meeting.

(b) Thereafter, the Governor and the Cabinet will select the Nominees who will be inducted on or around the next Veterans' Day, the date Veterans' Day will be commemorated in accordance with the national calendar and as the Cabinet schedule permits. The staff for the Florida Veterans' Hall of Fame Council will send a letter of congratulations and invitation will be mailed to the address of the Nominee or proponent, seeking an RSVP for the induction ceremony.

1. Induction. The induction ceremony will be a formal event scheduled on or around Veterans' Day in accordance with Section 265.003(5), FS.

Rulemaking Authority 292.05(3) and 265.003(5), FS. Law Implemented 265.003, FS. History—New.

#### **55-14.003 The Nomination Package.**

The Florida Veterans Hall of Fame Council has developed a Nomination Form and instruction to facilitate the assembly of a nomination package for consistency in the evaluation process and procedure so that all nominees are reviewed and approved on an equal basis that will include:

(1) Nomination form is available at [Nomination Form, DOS placeholder link], consisting of: (a) Name and contact information of the Nominee and proponent/nominator, if any;

(a) In the case of posthumous nominations, the application will provide the name and contact information for the next of kin;

(b) Attestation by the Nominee and/or proponent/Nominator that the information that is being submitted in true to best of his or her knowledge and belief, that the Nominee is of good moral character;

(c) Nominee and/or proponent shall provide information and supporting documentation regarding the facts of nomination eligibility and criteria as described in rule 55-14.001, FAC.; and

(d) The nomination packet submission, including the mandatory Nomination Form and all supporting documentation, may not exceed ten pages total. The typeface used for the application may not be smaller than Times New Roman, 12 point font size.

Rulemaking Authority 292.05(3) and 265.003(5), FS. Law Implemented 265.003, FS. History–New \_\_\_\_\_.

**55-14.004 Responsibilities of the Florida Veterans’ Hall of Fame Council; the Department of Veterans’ Affairs.**

In order to ensure the quality and eligibility of nominees, the Florida Veterans’ Hall of Fame Council and the Florida Department of Veterans Affairs have separate areas of responsibilities, as follows:

(1) The Florida Department of Veterans’ Affairs shall:

(b) Receive nomination applications and ensure they are complete;

(c) Verify that Nominees are in fact eligible Veterans based on documentation received; and

(d) Provide Department of Veterans’ Affairs staff for Florida Veterans’ Hall of Fame Council meetings and to perform various administrative tasks, as needed.

(2) The Florida Veterans’ Hall of Fame Council shall:

(a) Evaluate only complete applications;

(b) Conduct any outside research deemed necessary to fully evaluate Nominees. Any individual Council member’s research findings and opinions may be brought forth only during the member comment and discussion portion of the Florida Veterans’ Hall of Fame Council meeting, which is subject to Government in the Sunshine laws in Florida.

(c) Members will have sufficient time to consider nomination packages in advance, and may calculate tentative scores in advance of the nomination meeting, but may not share findings, opinions, or scores with each other outside of the noticed meeting, since the nominations are decisions of the Florida Veterans’ Hall of Fame Council acting as a single voice after its vote, and members may decide to change scores after the comment and discussion portions of the Florida Veterans’ Hall of Fame nomination meeting or any other duly noticed meeting.

Rulemaking Authority 292.05(3) and 265.003(5), FS. Law Implemented 265.003, FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles T. Faircloth, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles T. Faircloth, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/29/2021