



VETERANS' PREFERENCE INFORMATION

Chapter 295, Florida Statutes, sets forth certain requirements for public employers to accord preferences in appointment, retention, and promotion to certain veterans and spouses of veterans who are Florida residents. The relevant portions of the law apply to "the state and its political subdivisions." Public utilities, state universities, school districts, and special taxing districts are subject to the requirements of Chapter 295.

House Bill 7015, which was signed into law following the 2014 Florida Legislative Session, expanded Veterans' Preference in the Sunshine State for eligible veterans and their family members.

CATEGORIES OF PROTECTED INDIVIDUALS

Section 295.07 and House Bill 7015, Florida Statutes, extends veterans' preference to:

1. Those disabled veterans:
 - a) Who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or
 - b) Who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.
2. The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
3. A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
4. The unremarried widow or widower of a veteran who died of a service-connected disability.
5. The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.
6. A veteran as defined in s. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.
7. A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

EMPLOYMENT PREFERENCE

- An eligible veteran is entitled to preference at each step of the hiring process; however, the preference is not absolute.
- Preference must be given to protected individuals provided such persons possess the minimum qualifications necessary to the discharge of the duties involved. The rule defines “minimum qualifications” to mean a “specification” of the kinds of experience, training, education and/or licensure or certification that provides “appropriate job-related evidence that an applicant possesses the minimum required knowledge, skills, and abilities necessary to the discharge of the duties involved.”

OTHER PROVISIONS REGARDING PREFERENCE

- Veterans’ preference in perpetuity: A person eligible for veterans’ preference in appointment (defined by s.295.07, FS) does **not** forfeit employment preference eligibility once that veteran or eligible spouse of the veteran has been employed by a state agency or any political subdivision of this state. Effective July 1, 2007, Florida law restores veterans’ preference in employment for all categories of protected individuals previously employed by a state agency or any political subdivision of this state.
- Preference in layoffs: Where a layoff is necessitated in a covered position, similar preferences must be given to the covered employee in the retention process.
- Preference in reinstatement or reemployment: When an employee in a covered position leaves employment for the purpose of serving in the armed forces, he or she is entitled to reinstatement or reemployment upon release or discharge from active military service.
- Promotion preference: Promotion preference applies only to a veteran’s first promotion after reinstatement or reemployment, without exception.

VETERANS’ PREFERENCE DOCUMENTATION

Applicants who are claiming Veterans’ Preference are required to submit the Veterans’ Preference Claim Form including supporting documentation at the time of application.

- ❖ All vacancy postings are eligible for Veterans’ Preference.
 - Veterans’ Preference does not guarantee you a position. The Veterans’ Preference provides that you will be included in all phases of the selection process for the position for which you are applying.
- ❖ To be granted Veterans’ Preference, the applicant must:
 - Complete the Veterans’ Preference Claim Form
 - Provide Documentation to support claim.
- ❖ Documentation required to prove Veterans’ Preference Eligibility:
 1. Veterans, disabled Veterans, spouses of disabled Veterans and family members shall furnish a Department of Defense document, commonly known as form DD-214 or military discharge papers, or equivalent certification from the DVA, listing military status, dates of service and Character of Discharge.
 2. Disabled Veterans shall also furnish a document from the Department of Defense, the DVA, or the Department certifying that the Veteran has a service-connected disability.
 3. Spouses of disabled Veterans shall also furnish either a certification from the Department of Defense or the DVA that the Veteran is totally and permanently disabled or an identification card issued by the Department; spouses shall also furnish evidence of marriage to the Veteran and a statement that the spouse is still married to the Veteran at the

time of the application for employment; the spouse shall also submit proof that the disabled Veteran cannot qualify for employment because of the service-connected disability.

4. Spouses of persons on active duty shall furnish a document from the Department of Defense or the DVA certifying that the person on active duty is listed as missing in action, captured in line of duty, or forcibly detained or interned in line of duty by a foreign government or power; such spouses shall also furnish evidence of marriage and a statement that the spouse is married to the person on active duty at the time of that application for employment.

5. The mother, father, legal guardian, or un-remarried widow or widower of a deceased Veteran shall furnish a document from the Department of Defense showing the death of service member while on duty status under combat-related conditions or the DVA certifying the service-connected death of the Veteran, and shall further furnish evidence of marriage. The legal guardian shall show the proper court documents establishing the legal authority for the Guardian.

6. Florida Department of Management Services is requiring that current reserve members and National Guard members provide a letter from their Commanding Officer stating the dates of their military service to establish that they are currently active.

ENFORCEMENT

If an applicant claiming veterans' preference for a vacant position is not selected, he/she may file a complaint with the:

Florida Department of Veterans' Affairs (FDVA)
11351 Ulmerton Road, Suite 311-K
Largo, FL 33778-1630

A complaint must be filed within 21 days of the applicant receiving notice of the hiring decision made by the employing agency or within three months of the date the application is filed with the employer if no notice is given. The enforcement mechanism established by the regulations provide for an initial investigation by the Florida Department of Veterans' Affairs, followed by an evidentiary proceeding before the Public Employees Relations Commission if the matter cannot be earlier resolved. For further details, call (727) 319-7462.