

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 29 Military and Veterans Affairs  
**SPONSOR(S):** Commerce Committee, Ponder, Renner and others  
**TIED BILLS:** IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Commerce Committee	26 Y, 0 N, As CS	Wright	Hamon
2) Local, Federal & Veterans Affairs Subcommittee	12 Y, 0 N	Renner	Miller
3) Appropriations Committee	26 Y, 0 N	Potvin	Leznoff

### SUMMARY ANALYSIS

Generally, the bill provides allowances for military members, veterans, and their spouses.

The bill eases professional licensing fees and requirements for certain military members, veterans, and their spouses, including:

- For the Department of Health (DOH) professional licensees, granting current DOH fee waivers for dentists, and providing an affirmative defense in certain unlicensed activity actions;
- For the Department of Business and Professional Regulation professional licensees, expanding license renewal fee waivers;
- For the Department of Agriculture and Consumer Services professional licensees, expanding current initial licensing fee waivers and creating renewal fee waivers;
- For the Office of Financial Regulation mortgage loan originators and associated persons licensees, creating an initial licensing and renewal fee waivers;
- For the Department of Financial Services professional licensees, relief from pre-licensure insurance coursework requirements, and expanding initial licensure fee waivers; and
- For the Department of Education (DOE) licensees, creating certain initial fee waivers, granting a temporary certificate in education, establishing a pathway for veteran officers for certification as a school principal.

The bill specifies that laws and rules regulating apprenticeships and approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women, and requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

The bill allows Junior Reserve Officer Training instructors to participate in the Florida Teachers Classroom Supply Assistance Program.

The bill gives students who are children of an active duty member who is not stationed in this state, but whose home of record or state of legal residence is Florida, priority for attendance in the Florida Virtual School.

The bill designates March 25 every year as “Medal of Honor Day” and allows classroom instruction related to the values of the recipients of the Congressional Medal of Honor to meet certain instructional requirements on character development and the contributions of veterans to our country.

Lastly, the bill makes expands and clarifies the process for obtaining veteran training grants and instituting a veteran entrepreneurship program through Veterans Florida in the Department of Veterans’ Affairs.

The bill has an indeterminate fiscal impact on state government and no fiscal impact on local governments.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Department of Health

###### Background

###### *Licensure of Health Care Practitioners*

The Division of Medical Quality Assurance (MQA), within the Department of Health (DOH), has general regulatory authority over health care practitioners in Florida.<sup>1</sup> The MQA works in conjunction with 22 boards and four councils to license and regulate seven types of health care facilities and more than 200 licenses in over 40 health care professions.<sup>2</sup> Each profession is regulated by an individual practice act and by ch. 456, F.S., which provides general regulatory and licensure authority for the MQA.

###### *Military Spouses*

Florida offers expedited licensing and fee waivers to the spouse of a person serving on active duty<sup>3</sup> with the U.S. Armed Forces<sup>4</sup> who holds an active license to practice a health care profession in another state or jurisdiction.<sup>5</sup> To qualify for expedited licensure and fee waivers, the military spouse must:<sup>6</sup>

- submit a complete application;<sup>7</sup>
- submit evidence of training or experience substantially equivalent to the requirements for licensure in this state for that health care profession and evidence that he or she has obtained a passing score on an appropriate licensing examination, if required for licensure in this state;
- attest that he or she is not, at the time of submission, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for a reason related to the practice of the profession for which he or she is applying;
- have actively practiced the profession for which he or she is applying for the 3 years preceding the date of application; and
- submits to a background screening, if required for the profession for which he or she is applying, and does not have any disqualifying offenses.

Under current law, military spouses who are dentists are not eligible for expedited licensing and fee waivers. No other health care profession is excluded.

The regulatory boards (or DOH if there is no board), are also authorized to issue temporary licenses to the spouse of a member of the U.S. Armed Forces to practice his or her health care profession in

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<sup>1</sup> Pursuant to s. 456.001(4), F.S., health care practitioners are defined to include acupuncturists, physicians, physician assistants, chiropractors, podiatrists, naturopaths, dentists, dental hygienists, optometrists, nurses, nursing assistants, pharmacists, midwives, speech language pathologists, nursing home administrators, occupational therapists, respiratory therapists, dieticians, athletic trainers, orthotists, prosthetists, electrologists, massage therapists, clinical laboratory personnel, medical physicists, dispensers of optical devices or hearing aids, physical therapists, psychologists, social workers, counselors, and psychotherapists, among others.

<sup>2</sup> Florida Department of Health, Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2016-2017*, 3, available at [http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/\\_documents/annual-report-1617.pdf](http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1617.pdf) (last visited Dec. 12, 2017).

<sup>3</sup> Full-time duty in the active military service of the United States. 10 U.S.C. § 101(d)(1).

<sup>4</sup> Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).

<sup>5</sup> s. 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.

<sup>6</sup> s. 456.024(3)(b), F.S.

<sup>7</sup> DOH operates the Veterans Application for Licensure Online Response System (VALOR) to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in another state. See <http://www.flhealthsource.gov/valor> (last visited Dec. 12, 2017).

Florida, dentistry.<sup>8</sup> A temporary license is valid for one year and is not renewable.<sup>9</sup> To be eligible for a temporary license, a military spouse must:<sup>10</sup>

- submit a completed application and application fee;<sup>11</sup>
- provide proof that he or she is married to a member of the U.S. Armed Forces serving on active duty in this state pursuant to official military orders;
- provide proof of a valid license from another state or jurisdiction to practice the health profession for which he or she is applying and that such license is not subject to any disciplinary proceeding;
- provide proof that he or she would otherwise be entitled to full licensure and is eligible to take the respective licensure examination as required in this state; and
- pass a criminal background screening.

A military spouse who holds a temporary license to practice dentistry must practice under the indirect supervision<sup>12</sup> of a dentist who holds an active license to practice in this state.<sup>13</sup> This requirement does not apply to any other profession.

### Unlicensed Practice of a Health Care Profession

Florida law prohibits an individual from practicing a regulated health care profession without a license. An individual must meet minimum education and training requirements to become licensed and practice a health care profession.<sup>14</sup> Licensure is available by examination or, in many instances, by endorsement if the practitioner is licensed in another jurisdiction.

An unlicensed individual providing healthcare services is subject to administrative and criminal penalties. DOH may issue a cease and desist letter to such a person and impose, by citation, an administrative penalty of up to \$5,000 per offense.<sup>15</sup> DOH may also seek a civil penalty of up to \$5,000 for each offense through the circuit court, in addition to or in lieu of the administrative penalty.<sup>16</sup>

An individual practicing, attempting to practice or offering to practice, a health care profession without an active, valid Florida license is subject to criminal penalties, in addition to any administrative and civil penalties incurred by the unlicensed individual.<sup>17</sup>

Each state may craft regulatory authority to determine who may engage in a particular profession within that state. Such authority may establish the minimum requirements for practicing an occupation, as well as whether a license is required to practice an occupation. For example, not all states regulate the practice of dietetics; however, 38 states, including Florida, require licensure to practice dietetics.<sup>18</sup> Similarly, some activities may be regulated under one profession on one state in a different profession in another state.

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<sup>8</sup> s. 456.024(4), F.S.

<sup>9</sup> s. 456.024(4)(f), F.S.

<sup>10</sup> s. 456.024(4)(a)-(d), F.S.

<sup>11</sup> Pursuant to r. 64B-4.007, F.A.C., the application fee is \$65.

<sup>12</sup> s. 466.003(9), F.S., defines indirect supervision as supervision whereby a Florida-licensed dentist authorizes the procedure and a Florida-licensed dentist is on the premises while the procedures are performed.

<sup>13</sup> s. 456.024(4)(j), F.S.

<sup>14</sup> s. 456.065(1), F.S.

<sup>15</sup> s. 456.065, F.S. Each day that the unlicensed practice continues after issuance of a notice to cease and desist constitutes a separate offense.

<sup>16</sup> s. 456.065(2)(c), F.S.

<sup>17</sup> s. 456.065(2)(d), F.S.

<sup>18</sup> Commission on Dietetic Registration, *Laws that Regulate Dietitians/Nutritionist*, available at

<https://www.cdrnet.org/vault/2459/web/files/Licensurelawsregulations.pdf> (last visited on December 14, 2017).

An individual licensed in another state who moves to Florida may find that the activities they legally engaged in under a license in that other state is governed by a different professional license in Florida, and continuing to engage in the activity in Florida would constitute unlicensed practice.

### Effect of the Bill

#### *Military Spouse Health Care Profession Licensure*

The bill expands the expedited licensure application process to include the spouse of an active duty military member who holds an active license to practice dentistry in another state or jurisdiction and waives the application, licensure, and unlicensed activity fees.

The bill also repeals a provision that requires the spouse of a member of the U.S. Armed Forces serving on active duty in this state who holds a temporary license to practice dentistry to practice under the supervision of a Florida-licensed dentist.

These provisions allow dentistry to be treated in the same manner as all other health professions for which a military spouse may pursue licensure in this state.

#### *Unlicensed Practice of a Health Care Profession*

The bill provides an affirmative defense to administrative, civil, and criminal causes of action for the unlicensed practice of a health care profession. The affirmative defense is available to a spouse of an individual serving on active duty with the U.S. Armed Forces if:

- the spouse is licensed in another state or jurisdiction to provide health care services for which there is no equivalent in this state;
- the spouse is providing health care services within the scope of the out-of-state license; and
- the training or experience required for the out-of-state license is substantially similar to the licensure requirements for a similar health care profession in this state.

A person who successfully claims this affirmative defense would not be subject to any of the administrative, civil, and criminal penalties that exist for the unlicensed practice of a health profession.

### **Department of Business and Professional Regulation**

#### Background

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professionals in Florida.<sup>19</sup>

DBPR has authority over the following professional boards and programs:

- Board of Architecture and Interior Design,
- Board of Auctioneers,
- Barbers' Board,
- Building Code Administrators and Inspectors Board,
- Construction Industry Licensing Board,
- Board of Cosmetology,
- Electrical Contractors' Licensing Board,
- Board of Employee Leasing Companies,
- Board of Landscape Architecture,
- Board of Pilot Commissioners,
- Board of Professional Geologists,
- Board of Veterinary Medicine,

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<sup>19</sup> s. 20.165, F.S.

- Home inspection services licensing program;
- Mold-related services licensing program,
- Florida Board of Professional Engineers.
- Board of Accountancy,
- Florida Real Estate Commission, and
- Florida Real Estate Appraisal Board.<sup>20</sup>

DBPR licenses and regulates each of the above professions in accordance with that profession's practice act. Generally, to act as a regulated professional, a person must hold an appropriate license. Applicants for licensure for each profession must meet specific statutory requirements, including education and/or experience requirements, and must pay all applicable licensing and application fees.<sup>21</sup> Licensees who wish to renew their license must pay a license renewal fee<sup>22</sup> and may be subject to continuing education requirements<sup>23</sup> and other conditions in the various practice acts.

#### *Fee Waivers for Military Members and Certain Spouses*

Currently, the initial application fee is waived for any of the professional licenses listed above if the applicant is:

- a member, including a veteran, of the U.S. Armed Forces who has served on active duty,
- the spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty,
- the surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty,<sup>24</sup>
- any honorably discharged military veteran for 60 months post discharge, or
- a spouse of such a veteran for 60 months post discharge.<sup>25</sup>

Members of the U.S. Armed Forces who hold a DBPR professional license prior to active duty service will be kept in "good standing" for the duration of the member's active duty and for two years afterward. Keeping the license in "good standing" means that the member does not have to register, pay dues or fees, or perform any other act to prevent his or her license from becoming delinquent. Currently, this allowance only applies as long as the member does not practice his or her profession in the private sector for profit during his or her active duty and for two years thereafter.<sup>26</sup>

An active duty U.S. Armed Forces member's spouse or surviving spouse who holds a DBPR license will also have his or her license kept in good standing, but only if he or she is absent from the state related to the member's active duty service. This allowance terminates at the end of the member's active duty service. A spouse is not required to refrain from practicing their profession in the private sector for profit in order to keep their license in good standing.<sup>27</sup>

Currently, renewal fee waivers do not apply to DBPR-licensed spouses or surviving spouses of U.S. Armed Forces active duty members who are present **in Florida**.

#### Effect of the Bill

Similar to the current fee waiver for initial licensure applications, the bill grants a **license renewal fee waiver** to a DBPR licensee who is:

<sup>20</sup> *Id.*

<sup>21</sup> s. 455.201, F.S.

<sup>22</sup> s. 455.203, F.S.

<sup>23</sup> s. 455.2123, F.S.

<sup>24</sup> s. 455.219(7)(a), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

<sup>25</sup> s. 455.213(12), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

<sup>26</sup> s. 455.02(1), F.S.

<sup>27</sup> s. 455.02(2), F.S.

- an active duty U.S. Armed Forces member, during active duty service and for the 2 years following active duty discharge, regardless if he or she is engaged in his or her DBPR licensed profession in the private sector for profit in this state. Such member must complete all other license renewal requirements if he or she is actively engaged in the profession.
- the spouse of an active duty U.S. Armed Forces member who is present in this state because of such member's active duty. and
- a surviving spouse of a member of the U.S. Armed Forces, if such member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

## **Department of Agriculture and Consumer Services**

### **Background**

In addition to regulating agriculture in Florida, the Department of Agriculture and Consumer Services (DACS) also protects consumers from unfair and deceptive business practices and provides consumer information.<sup>28</sup>

DACS achieves this, in part, through licensing and registering various professionals, including:

- Professional Surveyors and Mappers (ch. 472, F.S.);
- Private Investigative, Private Security, and Repossession Services (ch. 493, F.S.);
- Health Studios (ch. 501, pt. I, F.S.);
- Telemarketing Services (ch. 501, pt. IV, F.S.);
- Intrastate Movers and Brokers (ch. 507, F.S.);
- Sellers of Liquefied Petroleum Gas (ch. 527, F.S.);
- Pawnbroking (ch. 539, F.S.);
- Motor Vehicle Repair Shops (ch. 559, pt. IX, F.S.); and
- Sellers of Travel (ch. 559, pt. XI, F.S.).

DACS licenses and regulates each of the above professionals in accordance with that profession's practice act. Generally, applicants for initial licensure and licensure renewal for each profession must meet specific statutory requirements and must pay all applicable fees.

### *Initial Application Fee Waivers*

Currently, initial applicants for the abovementioned licenses and registrations receive an application fee waiver if the applicant is:

- an honorably discharged veteran of the U.S. Armed Forces who was discharged within 60 months of the application date,
- the spouse of such a veteran, or
- a business entity that is majority owned by such a veteran or spouse.<sup>29</sup>

Applicants seeking this fee waiver must provide DACS with specific documentation proving appropriate military service, marriage, and/or business ownership.

### *Licensure Renewal Fee Waivers*

Generally, active duty members of the U.S. Armed Forces and their spouses and surviving spouses do not receive renewal fee allowances or waivers for the DACS professional licenses or registrations listed above. However, for such members there is an extension of time to renew a Class "G" concealed

<sup>28</sup> s. 20.14(2), F.S.

<sup>29</sup> ss. 472.015, 493.6105, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S.

weapons license<sup>30</sup> and there are allowances made for such members and spouses who are licensed under the Board of Professional Surveyors and Mappers (BPSM).

Members of the U.S. Armed Forces who hold a license from the BPSM prior to active duty service are kept in “good standing” for the duration of the member’s active duty and for six months afterward. Keeping the license in “good standing” means that the member does not have to register, pay dues or fees, or perform any other act to prevent the license from becoming delinquent. This allowance only applies as long as the member does not practice as a surveyor or mapper in the private sector for profit during their active duty and for two years thereafter.<sup>31</sup>

An active duty U.S. Armed Forces member’s spouse who holds a license from BPSM will also have his or her license kept in good standing, but only if he or she is absent from the state related to the member’s active duty service. This allowance terminates at the end of the member’s active duty service. A spouse is not required to refrain from practicing surveying and mapping in order to keep their licenses in good standing.<sup>32</sup>

Currently, renewal fee waivers do not apply to BPSM-licensed spouses of active duty U.S. Armed Forces members who are present **in Florida** or for any surviving spouses of such members.

### Effect of the Bill

The bill expands the current initial licensing fee waiver for all of the abovementioned DACS professions to:

- a surviving spouse of an honorably discharged veteran,
- a current member of the U.S. Armed Forces who has served on active duty,
- the spouse of such a member, and
- the surviving spouse of such a member if the member dies while serving on active duty.

The bill grants a renewal fee waiver for all of the abovementioned DACS professions to the following licensees or registrants:

- a current active duty member of the U.S. Armed Forces;
- such a member’s spouse;
- a current or former member of the U.S. Armed Forces who has served on active duty within the 2 years preceding the renewal due date. A licensee who served on active duty within the 2 years preceding the renewal due date and is no longer a member of the U.S. Armed Forces must have received an honorable discharge upon separation or discharge; and
- a surviving spouse of a member of the U.S. Armed Forces if such a member was serving on active duty at the time of death and died within the 2 years preceding the surviving spouse's renewal due date.

The bill also refines the process for renewal fee waivers for BPSM licensees by:

- extending the time that an active duty member’s BPSM license remains in good standing after discharge from active duty from six months to two years; and
- clarifying that if an active duty U.S. Armed Forces member wishes to engage in surveying or mapping in the private sector for profit in this state for the 2 years following active duty discharge, such member must complete all other license renewal requirements except remitting the license renewal fee.

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<sup>30</sup> s. 790.06(11)(b), F.S. Holders of a concealed carry weapons license (Class “G” license) who are away on active duty in the U.S. Armed Forces are granted a 180 day extension period to renew their license without incurring a late fee. This applies to U.S. Armed Forces members who use a Class “G” license for personal use or in connection with a professional license related to private investigative, private security, or repossession services.

<sup>31</sup> s. 472.016(1), F.S.

<sup>32</sup> s. 472.016(2), F.S.

In addition, the bill mandates that those seeking such initial or renewal fee waivers must apply in a format prescribed by DACS, including the applicant's signature, under penalty of perjury, and supporting documentation.

The bill removes the initial fee waiver time limitation.

## **Office of Financial Regulation**

### **Background**

The Florida Office of Financial Regulation (OFR) regulates state-chartered depository and non-depository financial institutions and financial service companies. One of OFR's primary goals is to provide for and promote the safety and soundness of financial institutions while preserving the integrity of Florida's markets and financial service industries.<sup>33</sup>

### *Mortgage Loan Originators*

Under ch. 494, F.S., the Office of Financial Regulation (OFR) licenses and regulates the following individuals and businesses engaged in the mortgage business outside of a depository financial institution:

- *Loan originator*<sup>34</sup> – An individual who, directly or indirectly, solicits or offers to solicit a mortgage loan, accepts or offers to accept an application for a mortgage loan, negotiates or offers to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiates or offers to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain.
- *Mortgage broker*<sup>35</sup> – A person conducting loan originator activities through one or more licensed loan originators employed by the mortgage broker or as independent contractors to the mortgage broker.
- *Mortgage lender*<sup>36</sup> – A person making a mortgage loan or servicing a mortgage loan for others, or, for compensation or gain, directly or indirectly, selling or offering to sell a mortgage loan to a noninstitutional investor. A mortgage lender may act as a mortgage broker.<sup>37</sup>

In order to obtain licensure as a mortgage loan originator under ch. 494, F.S., an individual must:<sup>38</sup>

- complete a 20-hour prelicensing class;
- pass a written test (cost: \$110);<sup>39</sup>
- submit an application form;
- submit a nonrefundable application fee of \$195 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund;
- submit fingerprints, the cost of which is borne by the applicant; and
- authorize access to his or her credit report, the cost of which is borne by the applicant.

A mortgage loan originator license must be renewed annually by December 31.<sup>40</sup> In order to renew such license, an individual must:

- submit a renewal form and a nonrefundable renewal fee of \$150 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund;<sup>41</sup>

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<sup>33</sup> s. 655.001, F.S.

<sup>34</sup> s. 494.001(17), F.S.

<sup>35</sup> s. 494.001(22), F.S.

<sup>36</sup> s. 494.001(23), F.S.

<sup>37</sup> s. 494.0073, F.S.

<sup>38</sup> s. 494.00312, F.S.

<sup>39</sup> Nationwide Multistate Licensing System & Registry, *Uniform State Test (UST) Implementation Information*,

<http://mortgage.nationwidelicencingssystem.org/profreq/testing/Pages/UniformStateTest.aspx> (last visited Jan. 5, 2018).

<sup>40</sup> ss. 494.00312(7) and 494.00313(3), F.S.

- provide documentation of completion of at least 8 hours of continuing education courses; and
- authorize access to his or her credit report, the cost of which is borne by the licensee.<sup>42</sup>

### *Associated Persons*

In addition to federal securities laws, “Blue Sky Laws” are state laws designed to protect investors against fraudulent sales practices and activities by requiring companies making offerings of securities to register their offerings before they can be sold in that state and by requiring licensure for brokerage firms, their brokers, and investment adviser representatives.<sup>43</sup>

In Florida, the OFR oversees the Securities and Investor Protection Act, ch. 517, F.S. (“the Act”), which regulates the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals affiliated with these firms.

The Act requires the following individuals or businesses to be registered with the OFR under s. 517.12, F.S., in order for such persons to sell or offer to sell any securities in or from offices in this state, or to sell securities to persons in this state from offices outside this state:<sup>44</sup>

- “Dealers,” which include:<sup>45</sup>
  - any person, other than an associated person registered under ch. 517, F.S., who engages, either for all or part of her or his time, directly or indirectly, as broker or principal in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.
  - any issuer who through persons directly compensated or controlled by the issuer engages, either for all or part of her or his time, directly or indirectly, in the business of offering or selling securities which are issued or are proposed to be issued by the issuer.
- “Investment advisers,” which include any person who receives compensation, directly or indirectly, and engages for all or part of her or his time, directly or indirectly, or through publications or writings, in the business of advising others as to the value of securities or as to the advisability of investments in, purchasing of, or selling of securities, except a dealer whose performance of these services is solely incidental to the conduct of her or his business as a dealer and who receives no special compensation for such services.<sup>46</sup>
- “Associated persons,” which include:<sup>47</sup>
  - with respect to a dealer or investment adviser, any of the following:
    - any partner, officer, director, or branch manager of a dealer or investment adviser or any person occupying a similar status or performing similar functions;
    - any natural person directly or indirectly controlling or controlled by such dealer or investment adviser, other than an employee whose function is only clerical or ministerial; or
    - any natural person, other than a dealer, employed, appointed, or authorized by a dealer, investment adviser, or issuer to sell securities in any manner or act as an investment adviser as defined in this section.
  - with respect to a federal covered adviser, any person who is an investment adviser representative and who has a place of business in this state.

In order to register as an associated person of a securities dealer or an investment adviser, an individual must:

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<sup>41</sup> s. 494.00313(1)(a)&(b), F.S.

<sup>42</sup> s. 494.00313(1)(d), F.S.

<sup>43</sup> U.S. SECURITIES AND EXCHANGE COMMISSION, *Blue Sky Laws*, <http://www.sec.gov/answers/bluesky.htm> (last visited Nov. 7, 2017).

<sup>44</sup> s. 517.12(1), F.S.

<sup>45</sup> s. 517.021(6)(a), F.S. The term “dealer”, as defined under Florida law, encompasses the definitions of “broker” and “dealer” under federal law.

<sup>46</sup> s. 517.021(14)(a), F.S.

<sup>47</sup> s. 517.021(2)(a), F.S.

- pay an assessment fee of \$50;<sup>48</sup>
- file a written application;<sup>49</sup>
- submit fingerprints, the cost of which shall be borne by the applicant;<sup>50</sup>
- successfully pass oral or written examinations, unless such requirement is waived.<sup>51</sup>

The registration of an associated person expires December 31 of the year the registration became effective unless the registrant has renewed his or her registration on or before that date.<sup>52</sup> Registration may be renewed by furnishing such information as the Financial Services Commission may require by rule, together with payment of a \$50 assessment fee and the payment of any amount lawfully due and owing to the OFR pursuant to any order of the OFR or pursuant to any agreement with the OFR.<sup>53</sup> An associated person who has not renewed a registration by the time the current registration expires may request reinstatement of such registration by filing with the OFR, on or before January 31 of the year following the year of expiration, such information as may be required by the Financial Services Commission by rule, together with payment of a \$50 assessment fee and a \$50 late fee.<sup>54</sup> Any reinstatement of registration granted by the OFR during the month of January shall be deemed effective retroactive to January 1 of that year.<sup>55</sup>

### Effect of the Bill

The bill requires the OFR to waive the following fees:

- \$195 application fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator, or \$50 associated person assessment fee for an applicant who:
  - is or was an active duty member of the U.S. Armed Forces. To qualify for the fee waiver, an applicant who is a former member of the U.S. Armed Forces must have received an honorable discharge upon separation or discharge from the U.S. Armed Forces.
  - is married to a current or former member of the U.S. Armed Forces and is or was married to the member during any period of active duty.
  - is the surviving spouse of a member of the U.S. Armed Forces if the member was serving on active duty at the time of death.
- \$150 renewal fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator, or \$50 assessment fee for an associated person renewing his or her registration who:
  - is an active duty member of the U.S. Armed Forces or the spouse of such member.
  - is or was a member of the U.S. Armed Forces and served on active duty within the two years preceding the expiration date of the license. To qualify for the fee waiver, a loan originator who is a former member of the U.S. Armed Forces who served on active duty within the two years preceding the expiration date of the license must have received an honorable discharge upon separation or discharge from the U.S. Armed Forces.
  - is the surviving spouse of a member of the U.S. Armed Forces if the member was serving on active duty at the time of death and died within the two years preceding the surviving spouse's license expiration date.

An individual seeking such fee waiver must submit proof, in a form prescribed by rule of the Financial Services Commission, that the individual meets one of the above fee waiver qualifications.

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<sup>48</sup> s. 517.12(10), F.S.

<sup>49</sup> s. 517.12(6), F.S.

<sup>50</sup> s. 517.12(7), F.S.

<sup>51</sup> s. 517.12(8), F.S.

<sup>52</sup> s. 517.12(11), F.S.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

## Department of Financial Services

### Background

The Department of Financial Services (DFS) is the state agency responsible for regulation and licensure of professions related to insurance, fire safety, and funeral and cemetery services.<sup>56</sup> There are a number of allowances in statute for veterans and their spouses regarding many types of insurance licenses. However, there are no similar allowances in statute for other types of licenses regulated by DFS, such as bail bonds, fire safety, and funeral and cemetery services.

The existing allowances administered by DFS are:

- Waiver of application fees<sup>57</sup> – Application fees are waived for applicants seeking licensure as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary for military members, recent military retirees (within 24 months of retirement), and their spouses.
- Temporary licensure<sup>58</sup> – A temporary general lines agent license may be issued to an employee, a family member, a business associate, or a personal representative of a licensed general lines agent for the purpose of continuing or winding up the business affairs of the agent or agency in the event the licensed agent has become unable to perform his or her duties because of military service.
- Exception to additional license examination requirement<sup>59</sup> – Reexamination of the agent is required if they have not received an appointment within 48 months of licensure. DFS may waive this requirement if the circumstance is due to military service (limited to circumstances where the veteran's service did not exceed 3 years and the exception does not apply if 6 years have passed from their licensure date).
- Relief from continuing education requirements<sup>60</sup> – Licensees who are unable to comply with the continuing education requirements due to active duty in the military may submit a written request for a waiver to DFS.
- Licensing and appointment of a non-resident<sup>61</sup> – A natural person, not a resident of this state, may be licensed and appointed to represent an authorized life insurer domiciled in this state or an authorized foreign life insurer which maintains a regional home office in this state, provided such person represents such insurer exclusively at a United States military installation located in a foreign country.
- Reappointment after military service<sup>62</sup> – DFS may, without requiring a further written examination, issue an appointment as an adjuster to a formerly licensed and appointed adjuster of this state who held a current adjuster's appointment at the time of entering service in the U.S. Armed Forces, subject to certain conditions (limited to circumstances where the veteran's service did not exceed 3 years, the application and fee is filed within 12 months of honorable discharge, and the new appointment is of the same type and class).

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<sup>56</sup> Chs. 497 (funeral and cemetery), 626 (insurance), 633 (fire), and 648 (bail bonds), F.S.

<sup>57</sup> s. 626.171(6), F.S.

<sup>58</sup> s. 626.175(1)(b) and 626.9271(1), F.S.

<sup>59</sup> ss. 626.181(2) and 626.8427, F.S.

<sup>60</sup> s. 626.2815(2), F.S.

<sup>61</sup> s. 626.322, F.S.

<sup>62</sup> s. 626.871, F.S.

## Effect of the Bill

### *Funeral and Cemetery Services*

The bill provides:

- a waiver of initial application fees,<sup>63</sup> provisional licensing fees, and temporary licensing fees, where applicable, including the \$5 per license special unlicensed activity fee paid with each license, for members of the U.S. Armed Forces, their spouses, and honorably discharged veterans (within 24 months of discharge) for licensure as:
  - Embalmer, including Temporary Embalmer, Embalmer Intern, and Embalmer Apprentice;
  - Funeral Director, including Temporary Funeral Director and Funeral Director Intern;
  - Preneed Sales (if licensed as an individual), including Preneed Sales Agent;
  - Brokers of Burial Rights;
  - Direct Disposer; and
  - Monument Establishment Sales Agent; and
- recognition of applicable military-issued credentials for purposes of licensure as an embalmer, funeral director, or direct disposer.<sup>64</sup>

### *Insurance*

The bill provides:

- An expansion of the waiver of application fees for insurance profession licenses. Currently the waiver applies to members of the U.S. Armed Forces, their spouses, and veterans who have retired within 24 months before application. The bill replaces the term “retired” with the term “separated,” which allows veterans who have less than 20 years of military service to receive the allowance.
- For the elimination of pre-licensure course requirements for members and honorably discharged veterans of the U.S. Armed Forces, and their spouses, if the applicant is subject to a licensing exam.

### *Fire Prevention and Control*

The bill provides:

- That DFS may extend the four-year period in which a holder of a Firefighter Certificate of Compliance must meet specified conditions to retain the certificate. The certificate holder receiving the extension of time must be a member of the U.S. Armed Forces or an honorably discharged veteran or the spouse of a such a member or veteran. The extension is limited to 12 months from discharge and is available if the length of service did not exceed three years and the licensee or permit holder is within six years of the date of issue or reissue.
- A waiver of all living and incidental expenses associated with the Florida State Fire College for all active duty military personnel, including their spouses or surviving spouses, and honorably discharged veterans, including their spouses.

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<sup>63</sup> Ch. 626, F.S. limits the amount of application fees. Such fees shall not exceed: \$200, each, for Embalmer, Temporary Embalmer, Embalmer Intern, Funeral Director, Temporary Funeral Director, Monument Establishment Sales Agent; \$500 for Preneed Sales and Direct Disposer; and \$300 for Preneed Sales Agent.

<sup>64</sup> Military Occupational Code 92M, Mortuary Affairs Specialist, within the U.S. Army Quartermaster Corps, describes the following functions: performs or supervises duties relating to deceased personnel to include recovery, collection, evacuation, establishment of tentative identification, escort, and temporary burial. They also inventory, safeguard, and evacuate personal effects of deceased personnel. <http://army.com/info/mos/all> (last visited Jan. 19, 2018).

## Department of Education

### Florida Virtual School

#### *Background*

Florida Virtual School (FLVS) was established by law to provide students in kindergarten through grade 12 with technology-based educational opportunities to gain knowledge and skills necessary to succeed.<sup>65</sup>

Enrollment in FLVS is free for Florida residents, and non-residents may enroll but must pay tuition. Currently, there are children of military personnel who are not stationed in Florida but have a home of record or legal residence certificate stating their residence is in Florida. However, the law treats them as non-residents for purposes of FLVS enrollment, and the students must pay tuition to participate.

Currently, FLVS is required to give priority for enrollment to:

- students who need expanded access to courses to meet their educational goals, such as home education students and students in inner-city and rural high schools that do not have access to higher level courses; and
- students seeking accelerated access to obtain a high school diploma at least one semester early.<sup>66</sup>

#### *Effect of the Bill*

The bill provides that students who are children of military personnel not stationed in Florida are considered Florida residents for purposes of FLVS enrollment if their home of record or state of legal residence certificate is Florida. This change will allow such students to enroll in FLVS without having to pay tuition. The bill also provides that such students must be given enrollment priority.

### Temporary Teaching Certificate Extension

#### *Background*

Florida law establishes educator certification requirements, including requirements for earning a temporary teaching certificate.<sup>67</sup> In order to receive a temporary teaching certificate, an applicant must:

- meet general certification requirements;<sup>68</sup>
- obtain full-time employment in a position that requires a Florida educator certificate by a school district program;<sup>69</sup> and
- demonstrate mastery of subject area knowledge<sup>70</sup> by:
  - passing the appropriate subject area test;<sup>71</sup> or
  - completing the required degree or content courses specified in state board rule for subject area specialization<sup>72</sup> and attaining at least a 2.5 grade point average on a 4.0 scale in the subject area courses.<sup>73</sup>

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<sup>65</sup> s. 1002.37(1), F.S.

<sup>66</sup> s. 1012.37(1)(b), F.S.

<sup>67</sup> s. 1012.56, F.S.

<sup>68</sup> ss. 1012.56(2)(a)-(f) and 1012.56(7)(b), F.S.

<sup>69</sup> s. 1012.56(1)(b), F.S.; r. 6A-4.004(1)(a)2., F.A.C.

<sup>70</sup> ss. 1012.56(5) and (7)(b), F.S.

<sup>71</sup> s. 1012.56(7)(b), F.S.

<sup>72</sup> s. 1012.56(7)(b), F.S. Degree and content requirements specified in ch. 6A-4, F.A.C.

<sup>73</sup> s. 1012.56(2)(c), F.S.

A temporary certificate is valid for three school fiscal years and is nonrenewable.<sup>74</sup> An educator who is employed under a temporary certificate must pass the general knowledge test within one calendar year after employment in order to remain employed in a position that requires a certificate. The educator then has until the end of the three-year certification to complete the requirement for a renewable professional certificate.<sup>75</sup> The State Board of Education (SBE) is required to adopt rules to allow the Department of Education (DOE) to extend the validity period of a temporary certificate for two years when the requirements for the professional certificate, not including the general knowledge requirement, were not completed due to serious illness or injury of the applicant, or due to other extenuating circumstances.<sup>76</sup>

#### *Effect of the Bill*

The bill requires that state board rule allow the DOE to extend the validity period of a temporary certificate for two years if the requirements for the professional certificate, not including the general knowledge requirement,<sup>77</sup> have not been fulfilled due to the military service of an applicant's spouse.

### Florida Teacher's Classroom Supply Assistance Program

#### *Background*

The Florida Teachers Classroom Supply Assistance Program is a fund for classroom teachers employed by a public school district or a public charter school to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them.<sup>78</sup> For purposes of the program, "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program.<sup>79</sup>

Instructors of junior reserve officer training (JROTC) may currently be ineligible for the program because they do not meet the definition of "classroom teacher." This is because JROTC instructors are not required to hold an educator certificate.<sup>80</sup> For fiscal year 2017-2018, the legislature appropriated \$45,286,750 for the Florida Teacher's Classroom Supply Assistance program.

#### *Effect of the Bill*

The bill provides that JROTC instructors are eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.

### Educational Leadership Certification

#### *Background*

The law requires the SBE to classify school services, designate certification subject areas, establish competencies for certification, and establish certification requirements for all school-based personnel.<sup>81</sup>

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<sup>74</sup> s. 1012.56(7), F.S. (flush-left provisions at end of subsection).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* See r. 6A-4.004, F.A.C.

<sup>77</sup> s. 1015.56(2)(g), F.S.

<sup>78</sup> ss. 1012.71, F.S. and 6(16), F.S.; ch. 2017-234, L.O.F.

<sup>79</sup> s. 1012.71(1) F.S.

<sup>80</sup> ss. 1012.71(1) F.S. and 1012.55(4) F.S.

<sup>81</sup> s. 1012.55(1)(b), F.S.

In Florida, aspiring school administrators<sup>82</sup> must complete a state-approved school leader preparation program and attain certification as an educational leader.<sup>83</sup>

The SBE has established two classes of certification for school administrators – educational leadership and school principal. Certification in educational leadership qualifies an individual for any position falling under the classification “school administrator.”<sup>84</sup> Generally, a Level I program offered by a postsecondary institution leads to a master’s or higher degree in educational leadership and prepares an individual for certification.<sup>85</sup> Such institutions may offer a modified program for individuals who already hold a master’s or higher degree. School district programs may only serve school district employees who already hold a master’s or higher degree.<sup>86</sup>

In order to advance to certification as a school principal, the individual must first hold an educational leadership certificate.<sup>87</sup>

There are two types of school leader preparation programs:

- Level I programs are offered by school districts and postsecondary institutions and lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators.
- Level II programs are offered by school districts, build upon Level I training, and lead to certification as a school principal.

To receive a Level II certification as a school principal, the individual must:

- hold a valid professional certificate covering educational leadership, administration, or administration and supervision; and
- document successful performance of the duties of the school principalship in a DOE approved district school principal certification program<sup>88</sup>

The SBE must adopt rules to allow an individual who meets the following criteria to be eligible for a temporary certificate in educational leadership:<sup>89</sup>

- earned a passing score on the Florida Educational Leadership Examination;
- documented three years of successful experience in an executive management or leadership position; and
- documented receipt of a bachelor’s degree or higher from an accredited institution of higher learning.

An individual operating under a temporary certificate must be under the mentorship of a state-certified school administrator during the term of the temporary certificate.<sup>90</sup>

For an individual to qualify for admission to a Level II program, the individual must have obtained their certificate in educational leadership by completing a Level I school leadership preparation program, earned a highly effective or effective evaluation rating, and satisfactorily performed instructional leadership responsibilities as measured by the school district’s evaluation system.<sup>91</sup> Currently there are

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<sup>82</sup> School administrators include school principals, school directors, and assistant principals. *See* s. 1012.01(3)(c), F.S.

<sup>83</sup> *See* s. 1012.55(1)(b), F.S.; r. 6A-4.0081, F.A.C.

<sup>84</sup> *See* s. 1012.562, F.S.; r. 6A-4.0081, F.A.C.

<sup>85</sup> The individual must still earn a passing score on the Florida Educational Leadership Examination in order to be considered as a Level I program completer and earn the educational leadership certification. *See* rule 6A-5.081(2)(a)7., F.A.C.

<sup>86</sup> rr. 6A-5.081(1)(b)1.; 7; (c)1.; and 3.a., F.A.C. *But see* r. 6A-4.004(5)(c), F.A.C. (allowing an approved school district Level I program to admit a candidate without a master’s or higher degree, provided that the candidate is notified that he or she is not eligible to complete the program without official documentation of the master’s degree).

<sup>87</sup> r. 6A-4.0083, F.A.C.

<sup>88</sup> *Id.*

<sup>89</sup> s. 1012.55(1)(d), F.S. *See* r. 6A-4.004(5), F.A.C.

<sup>90</sup> *Id.*

<sup>91</sup> s.1012.562(3)(a), F.S.

71 Level II school principal preparation programs in Florida; including 67 school districts, three lab schools, and Florida Virtual School.

### *Effect of the Bill*

The bill creates a pathway for veterans who have served either as commissioned officers or noncommissioned officers, to become school principals. The bill requires the DOE to issue a three-year temporary certificate in educational leadership to an individual whose application indicates that he or she:

- has earned a passing score on the Florida Educational Leadership Examination;
- served as a commissioned or noncommissioned military officer in the U.S. Armed Forces for at least 3 years;
- has been honorably discharged or has retired from the U.S. Armed Forces; and
- is presently employed fulltime in a position for which a Florida educators' certificate is required in a Florida school (public or nonpublic) that has a DOE-approved Level II program.

The bill also requires that an approved Level II program must admit applicants who hold such a temporary certificate and requires the DOE to issue a permanent school principal certificate to an individual who holds the temporary certificate and successfully completes the Level II program.

### Medal of Honor Day

#### *Background*

The Medal of Honor is the “highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. The Medal is generally presented to Recipients by the President of the United States.”<sup>92</sup>

Section 1003.42(2), F.S. establishes components of required instruction for public school students. Instructional staff must teach, among other things:

- a character-development program in kindergarten through grade 12; and
- in order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.

The law does not establish any particular grade level or courses in which instruction on these topics must be provided. However, DOE takes steps to ensure that the content is taught in public schools. The law also encourages the SBE to “adopt standards and pursue assessment of the requirements” of subsection (2) of s. 1003.42, F.S.

Each district school board is required to develop or adopt a curriculum for the character-development program and submit it to the DOE for approval. The character-development curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic and religious tolerance; and cooperation.<sup>93</sup> Further, instruction related to veterans should occur on or before Veteran’s day and Memorial Day. Members of the instructional staff are also encouraged to use the assistance of local veterans when practicable.<sup>94</sup>

There are various resources available to educate students about the Medal of Honor and the significance it can play in character development programs.<sup>95</sup>

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<sup>92</sup> Congressional Medal of Honor Foundation, <http://themedalofhonor.com/cmoh-foundation/history> (last visited Dec. 20, 2017).

<sup>93</sup> s. 1003.42(2)(s), F.S.

<sup>94</sup> s. 1003.42(2)(t), F.S.

<sup>95</sup> Congressional Medal of Honor Foundation, *History*, <http://themedalofhonor.com/character-development> (last visited Dec. 15, 2017).

### *Effect of the Bill*

The bill allows the Governor to issue a proclamation designating March 25<sup>th</sup> as “Medal of Honor Day” and encourages public officials, schools, private organizations, and all residents of the state to commemorate Medal of Honor Day and honor any Floridian who while serving as a member of the Armed Services, distinguished himself or herself while engaged in action against an enemy of the United States.

The bill also states that a character development program that incorporates the values of the Congressional Medal of Honor and that is offered as part of a social studies, English Language arts, or other school wide character building and veteran awareness initiative meets the instructional requirements related to character development and the sacrifices made by veterans.

### Licensure Interruption for Active Duty Military Personnel

#### *Background*

There is no broad mandate that applies to all professional licenses that requires relevant military experience gained during a period of active duty service in the Florida National Guard or U.S. Armed Forces Reserves, which interrupted an applicant’s period of training for a professional license, to be considered during a licensure determination.

Some individual practice acts, such as the construction contracting practice act, require the licensing entity to consider such experience for licensure requirements.<sup>96</sup>

#### *Effect of the Bill*

The bill requires boards of examiners or other qualification boards regulated under general law to accept periods of training and practical experience in the Florida National Guard or the U.S. Armed Forces Reserves in place of the interrupted or delayed periods of training, study, apprenticeship, or practical experience if the board finds the standard and type of work or training performed in the Florida National Guard or the U.S. Armed Forces Reserves to be substantially the same as the standard and type required under Florida law. To be eligible for the above process, service members must request the issuance under these provisions within six months after the release from the Florida National Guard or the U.S. Armed Forces.

### Educator Certification Fees

#### *Background*

The SBE must establish, by rule, fees for applications, examinations, certification, certification renewal, late renewal, record making, and recordkeeping.<sup>97</sup> Fees for taking the Florida Teacher Certification Examination for the first time are as follows<sup>98</sup>:

FTCE Test	Fee
General Knowledge Test	\$130
Subject Area Test	\$200
Professional Education Test	\$150

The fee to apply for an initial educator certificate is \$75.<sup>99</sup>

<sup>96</sup> s. 489.1131, F.S.

<sup>97</sup> s. 1012.59(1), F.S.

<sup>98</sup> r. 6A-4.0021(4), F.A.C.

## *Effect of the Bill*

The bill requires the SBE to waive initial general knowledge, professional education, and subject area examination fees and certification fees for the following individuals:

- A member of the United States Armed Forces or a reserve component thereof who is serving or has served on active duty or the spouse of such a member.
- The surviving spouse of a member of the United States Armed Forces or a reserve component thereof who was serving on active duty at the time of death.
- An honorably discharged veteran of the United States Armed Forces or a veteran of a reserve component thereof who served on active duty and the spouse or surviving spouse of such a veteran.

## Apprenticeship Programs

### *Background*

The DOE is responsible for the development of the apprenticeship and preapprenticeship standards for trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs.<sup>100</sup>

An apprenticeship program is an organized course of instruction that is registered and approved by the DOE and must address all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.<sup>101</sup> The length of an apprenticeship program varies from one to five years depending on the occupation's training requirements.<sup>102</sup>

An apprenticeship may be offered only in occupations that:

- are customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training;
- are commonly recognized throughout the industry or recognized with a positive view toward changing technology;
- involve manual, mechanical, or technical skills and knowledge that require a minimum of 2,000 hours of work and training, excluding the time spent in related instruction;
- require related instruction to supplement on-the-job training; and
- involve the development of skills sufficiently broad to be applicable in like occupations throughout an industry, rather than skills that are of restricted application to the products or services of any one company<sup>103</sup>

The following categories of occupations may not create an apprenticeship program: selling, retailing, or similar occupations in the distributive field; managerial occupations; and professional and scientific vocations for which entrance requirements customarily require an academic degree.<sup>104</sup>

To be eligible for an apprenticeship program, the person must be at least 16 years of age. Admission requirements relating to education, physical ability, work experience, and other criteria vary based on the program's training needs. As of January 2017, there were 10,464 active registered apprentices and 193 registered program sponsors in Florida.<sup>105</sup>

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<sup>99</sup> See r. 6A-4.0012(1)(a)1., F.A.C.

<sup>100</sup> s. 446.011(2), F.S.

<sup>101</sup> s. 446.021(6), F.S.

<sup>102</sup> s. 446.021(6), F.S.; r. 6A-23.004, F.A.C.

<sup>103</sup> s. 446.092, F.S.

<sup>104</sup> s. 446.092(6), F.S.

<sup>105</sup> Email, Florida Department of Education, Agency Legislative Bill Analysis, HB 525, (March 3, 2017).

## *Effect of the Bill*

The bill requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities. The bill also specifies that laws and rules regulating apprenticeships and approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women concerning apprenticeship programs.

## **Veterans Florida**

### Background

Veterans Florida<sup>106</sup> is a non-profit corporation within the Department of Veterans' Affairs to promote Florida as a veteran-friendly state.<sup>107</sup> Veterans Florida helps veterans transition to civilian life by providing tools for veterans to take advantage of the benefits of living and working in Florida.<sup>108</sup>

### *Veterans Florida Board of Directors*

Veterans Florida is governed by a nine-member board of directors (board). The Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint three members to the board. In making appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives must consider representation of military-related persons.<sup>109</sup>

Each member of the board is appointed for a term of 4 years. Currently, a member is ineligible for reappointment to the board except that a member appointed to a term of 2 years or less may be reappointed for an additional term of 4 years.<sup>110</sup>

### *Veterans Training Grants*

The Veterans Employment and Training Services Program is administered by Veterans Florida to assist in linking veterans in search of employment with businesses seeking to hire dedicated, well-trained workers. The purpose of the program is to meet the workforce demands of businesses in the state by facilitating access to training and education in high-demand fields for veterans.<sup>111</sup>

Part of how Veterans Florida effectuates its goals is to give grants to employers to hire and train veterans.<sup>112</sup> The grants provide funding to assist veterans in meeting the workforce-skill needs of businesses seeking to hire veterans by establishing criteria for approval of requests for funding and maximizing the use of funding for this program. Grant funds may be used only in the absence of available veteran-specific federally funded programs. Grants may fund specialized training specific to a particular business.<sup>113</sup>

Grant funds may be allocated to any training provider selected by the business, including a career center, a Florida College System institution, a state university, or an in-house training provider of the business. If grant funds are used to provide a technical certificate, a licensure, or a degree, funds may be allocated only upon a review that includes documentation of accreditation and licensure. Instruction

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<sup>106</sup> In 2015, the Florida is For Veterans, Inc., Board of Directors approved the fictitious name "Veterans Florida." A copy of the fictitious name registration and the March 9, 2015, Board of Directors Meeting Agenda minutes are on file with Local, Federal & Veterans Affairs Subcommittee staff.

<sup>107</sup> s. 295.21, F.S.

<sup>108</sup> VETERANS FLORIDA., *About Veterans Florida*, <http://www.veteransflorida.org/about-us/> (last visited Jan. 23, 2018).

<sup>109</sup> s. 295.21(4)(a), F.S.

<sup>110</sup> s. 295.21(4)(c), F.S.

<sup>111</sup> s. 295.22, F.S.

<sup>112</sup> s. 295.22(3)(d), F.S.

<sup>113</sup> *Id.*

funded through the program terminates when participants demonstrate competence at the level specified in the request, but may not exceed 48 months.<sup>114</sup>

Grants are limited to \$8,000 per veteran trainee. Eligible costs and expenditures include:<sup>115</sup>

- tuition and fees;
- curriculum development;
- books and classroom materials;
- rental fees for facilities at public colleges and universities, including virtual training labs; and
- overhead or indirect costs not to exceed 5 percent of the grant amount.

Before funds are allocated for a grant, Veterans Florida must prepare a grant agreement that, at a minimum, includes:<sup>116</sup>

- identification of the personnel necessary to conduct the instructional program and certain related information;
- identification of the match provided by the business equal to at least 50 percent of the total grant amount;
- identification of the estimated duration of the instructional program;
- identification of all direct, training-related costs;
- identification of special program requirements; and
- permission to access aggregate information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes.

### *Veterans Entrepreneurship Program*

Veterans Florida also runs the Veterans Florida Entrepreneurship Program to provide knowledge to veterans on how to successfully launch and operate a company<sup>117</sup> by connecting business leaders in the state with veterans seeking to become entrepreneurs.<sup>118</sup> Veterans Florida awards each contract to administer such programs in accordance with state competitive bidding requirements set forth in s. 287.057, F.S.

The administrator of such a program must be a public or private university that:<sup>119</sup>

- demonstrates the ability to implement the program and the commitment of university resources, including financial resources, to such programs;
- has a military and veteran resource center;
- has a regional small business development center in the Florida Small Business Development Center Network; and
- has been nationally recognized for commitment to the military and veterans.

Each administrator must provide performance metrics, including a focus on employment and business creation, and coordinate with any entrepreneurship center located at the university. Such programs may include activities and assistance such as peer-to-peer learning sessions, mentoring, technical assistance, business roundtables, networking opportunities, support of student organizations, speaker series, or other tools within a virtual environment.<sup>120</sup>

### Effect of the Bill

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<sup>114</sup> s. 295.22(3)(d)1., F.S.

<sup>115</sup> s. 295.22(3)(d)2., F.S.

<sup>116</sup> s. 295.22(3)(d)3., F.S.

<sup>117</sup> VETERANS FLORIDA, *supra* note 2 at *Get Help Starting your Veteran-Owned Business*.

<sup>118</sup> s. 295.22(3)(e), F.S.

<sup>119</sup> s. 295.22(3)(e)1., F.S.

<sup>120</sup> s. 295.22(3)2., F.S.

The bill allows Veterans Florida board members to serve an additional term of four years.

The bill changes the requirements for receiving Veterans Florida training grants by:

- clarifying that the business receiving the grant to train a veteran employee must cover the entire cost of training before receiving a 50 percent reimbursement;
- lowering the maximum time the training program may last from 48 to 12 months;
- requiring the business receiving the grant to describe the instructional program and any related vendors to be used in training in their contract with Veterans Florida; and
- removing curriculum and overhead costs from eligibility for reimbursement, and specific limitations on who may be the training provider.

The bill changes the requirements for Veterans Florida entrepreneurship initiative programs by:

- expanding those who may administer such a program from universities to include any entity who meets the requirements;
- requiring the administering entity to have demonstrated experience working with veteran entrepreneurs, and be recognized for its ability to help Florida entrepreneurs launch successful businesses; and
- removing the requirement that the administering entity have certain onsite centers.

#### B. SECTION DIRECTORY:

- Section 1      Creates s. 250.483, F.S., providing requirements relating to licensure or qualification of persons ordered into active duty or state active duty.
- Section 2      Amends s. 295.21, F.S., providing that Veterans Florida board members may be reappointed.
- Section 3      Amends s. 295.22, F.S., revising provisions relating to Veterans Florida programs.
- Section 4      Amends s. 446.041, F.S., providing duties of DOE.
- Section 5      Amends s. 446.081, F.S., clarifying that new apprentice agreements do not invalidate certain special provisions for the standards, qualifications, or operations of an apprenticeship program.
- Section 6      Amends s. 455.02, F.S., requiring the DBPR to waive certain licensing fees for certain applicants and licensees.
- Section 7      Amends s. 456.024, F.S., revising DOH licensure requirements and providing an exemption from certain penalties.
- Section 8      Amends s. 472.015, F.S., requiring DACS to waive certain fees relating to certain surveyor and mapper license applicants and licensees.
- Section 9      Amends s. 472.016, F.S., requiring DACS to waive certain fees relating to certain surveyor and mapper license applicants and licensees.
- Section 10     Amends s. 493.6105, F.S., requiring DACS to waive certain fees relating to certain private investigator, private security, and repossession license applicants and licensees.
- Section 11     Amends s. 493.6107, F.S., requiring DACS to waive certain fees relating to certain private investigator, private security, and repossession license applicants and licensees.

- Section 12 Amends s. 493.6113, F.S., requiring DACS to waive certain fees relating to certain private investigator, private security, and repossession license applicants and licensees.
- Section 13 Amends s. 494.00312, F.S., requiring OFR to waive certain fees relating to certain loan originator license applicants and licensees.
- Section 14 Amends s. 494.00313, F.S., requiring OFR to waive certain fees relating to certain loan originator license applicants and licensees.
- Section 15 Amends s. 497.140, F.S., requiring DFS to waive certain fees relating to funeral and cemetery licenses.
- Section 16 Amends s. 497.141, F.S., requiring DFS to waive certain fees relating to funeral and cemetery licenses.
- Section 17 Amends s. 497.281, F.S., requiring DFS to waive certain fees relating to certain burial rights broker license applicants.
- Section 18 Amends s. 497.368, F.S., requiring DFS to waive certain fees relating to certain embalmer license applicants.
- Section 19 Amends s. 497.369, F.S., requiring DFS to waive certain fees relating to certain embalmer license applicants.
- Section 20 Amends s. 497.370, F.S., requiring DFS to waive certain fees relating to certain embalmer intern license applicants.
- Section 21 Amends s. 497.371, F.S., requiring DFS to waive certain fees relating to certain embalmer apprentice license applicants.
- Section 22 Amends s. 497.373, F.S., requiring DFS to waive certain fees relating to certain funeral directing license applicants.
- Section 23 Amends s. 497.374, F.S., requiring DFS to waive certain fees relating to certain funeral directing license applicants.
- Section 24 Amends s. 497.375, F.S., requiring DFS to waive certain fees relating to certain funeral directing license applicants.
- Section 25 Creates s. 497.393, F.S., requiring DFS to recognize military-issued credentials relating to funeral and cemetery services for purposes of licensure as a funeral director or embalmer.
- Section 26 Amends s. 497.453, F.S., requiring DFS to waive certain fees relating certain preneed sales agent license applicants.
- Section 27 Amends s. 497.466, F.S., requiring DFS to waive certain fees relating to certain preneed sales agent license applicants.
- Section 28 Amends s. 497.554, F.S., requiring DFS to waive certain fees relating to certain monument establishment sales agent license applicants.
- Section 29 Amends s. 497.602, F.S., requiring DFS to waive certain fees relating to certain direct disposer license applicants.

- Section 30 Amends s. 501.015, F.S., requiring DACS to waive certain fees relating to certain health studio registration applicants and registrants.
- Section 31 Amends s. 501.605, F.S., requiring DACS to waive certain fees relating to certain telemarketer registration applicants and registrants.
- Section 32 Amends s. 501.607, F.S., requiring DACS to waive certain fees relating to certain telemarketer registration applicants and registrants.
- Section 33 Amends s. 501.609, F.S., requiring DACS to waive certain fees relating to certain telemarketer registration applicants and registrants.
- Section 34 Amends s. 507.03, F.S., requiring DACS to waive certain fees relating to certain intrastate movers and brokers registration applicants or registrants.
- Section 35 Amends s. 517.12, F.S., requiring OFR to waive certain fees relating to associated persons registration applicants or registrants.
- Section 36 Amends s. 527.02, F.S., requiring DACS to waive certain fees relating to certain sellers of liquefied petroleum gas license applicants and licensees.
- Section 37 Amends s. 539.001, F.S., requiring DACS to waive certain fees relating to certain pawnbroking license applicants and licensees.
- Section 38 Amends s. 559.904, F.S., requiring DACS to waive certain fees relating to certain motor vehicle repair registration applicants and registrants.
- Section 39 Amends s. 559.928, F.S., requiring DACS to waive certain fees relating to certain sellers of travel registration applicants and registrants.
- Section 40 Amends s. 626.171, F.S., requiring DFS to waive fingerprinting requirements for certain insurance license applicants.
- Section 41 Amends s. 626.732, F.S., providing that prelicensure coursework is not required for certain insurance license applicants.
- Section 42 Amends s. 626.7851, F.S., providing that prelicensure coursework is not required for certain insurance license applicants.
- Section 43 Amends s. 626.8311, F.S., providing that prelicensure coursework is not required for certain insurance license applicants.
- Section 44 Amends s. 626.8417, F.S., providing that prelicensure coursework is not required for certain insurance license applicants.
- Section 45 Amends s. 626.927, F.S., providing that prelicensure coursework is not required for certain insurance license applicants.
- Section 46 Amends s. 633.414, F.S., providing a time extension for certain firefighter certification renewals.
- Section 47 Amends s. 633.444, F.S., providing expense waivers for certain attendees of the Florida State Fire College.
- Section 48 Creates s. 683.147, F.S., designating March 25 of each year as "Medal of Honor Day."

- Section 49 Amends s. 1002.37, F.S., revising priority for Florida Virtual Schools.
- Section 50 Amends s. 1003.42, F.S., approving education about the Medal of Honor to meet the standards for a character-development program.
- Section 51 Amends s. 1012.55, F.S., establishing educational leadership certification requirements.
- Section 52 Amends s. 1012.56, F.S., requiring the State Board of Education to issue rules related temporary certificates.
- Section 53 Amends s. 1012.59, F.S., requiring the State Board of Education to waive certain fees for certain education certificate applicants.
- Section 54 Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill will have an indeterminate, negative fiscal impact on the affected agencies. The bill will reduce licensing revenues to the affected agencies but the exact amount is indeterminate. It will depend on the number of people who take advantage of the new fee waivers, although the agencies have provided preliminary fiscal estimates.

DACS estimates that the fiscal impact to the agency will be \$206,568 for Fiscal Year 2018-2019, \$216,896 for Fiscal Year 2019-2020, and \$227,741 for Fiscal Year 2020-2021. This is based on the actual number of active duty military members and an estimated number of spouses. These population totals were divided by the adult population of Florida to find their proportion of Florida's total population. The three-year average of licenses issued was multiplied by the population rates to forecast the respective license issuance totals. These estimated license totals were multiplied by the license fee to calculate the cost of issuing the waiver. It is not likely that all eligible applicants would apply for the licenses and exercise the waiver, so the fiscal impact was multiplied by 50% to find the impact at a 50% utilization rate.<sup>121</sup>

OFR receives 63,529 licensure applications and processes 330,395 licensure renewals per year as specified in the bill.<sup>122</sup> The waiver would apply for new licensure applications for military veterans, active duty members of the military, and the spouses of each. Based on veterans and active duty military members living in Florida, the impact could reduce licensure application fees by \$361,697. For licensure renewals, the waiver would apply to active duty members of the military or members who were active within two years of the license renewal and their spouses. Based on active duty military members in Florida, this could reduce license renewal fees by \$50,352. The total reduction for both renewals and new licensure is \$412,049. However, assuming a 50% utilization rate of the waiver, the total reduction in fees for the office will likely be approximately \$206,025.

DOH will incur a nonrecurring cost for rulemaking, which current budget authority is adequate to absorb.<sup>123</sup>

<sup>121</sup> Email from Derek Buchanan, Director of the Office of Policy & Budget, Florida Department of Agriculture and Consumer Services, FWD: SB 1884 - Military and Veterans Affairs - 2018, regarding their estimated fiscal impact for HB 29 (Feb. 1, 2018).

<sup>122</sup> Florida Office of Financial Regulation, Agency Analysis of 2018 HB 29, pp. 6-7 (Jan. 19, 2018).

<sup>123</sup> Email from Paul Runk, Director of the Office of Legislative Planning, Florida Department of Health, RE: Proposed Language for Military Spouses, regarding the fiscal impact of HB 29 (Feb. 1, 2018).

DBPR indicated that their fiscal impact is indeterminate at this time, but noted that there are currently 440 licensees under DBPR that are identified as military personnel.<sup>124</sup> Therefore, any additional loss of revenue should be insignificant.

DOE indicated that for FY 2016-2017, there were 386 teacher certification exams administered on a military installation; however, the fiscal impact for DOE is indeterminate because the number of eligible applicants of the 386 is unknown. The current total fees for the initial certification of a teacher for one subject area (examination and application fees) is \$665 and the fee for renewal of the certification is \$75.<sup>125</sup>

2. Expenditures:

There is an indeterminate fiscal impact on agency expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will ease the transition from military life for those who aim to become a Florida professional licensee by waiving initial license fees. The bill will help military families by waiving fees.

D. FISCAL COMMENTS:

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Section 3 of the bill requires the State Board of Education to modify its rules to allow the DOE to extend the validity period of a temporary teaching certificate holder for two years when the requirements for the professional certificate were not completed due to the military service of an applicant's spouse. This will require the modification of rule 6A- 4.004, F.A.C.

Sections 11, 12, and 34 of the bill require an individual seeking the fee waiver to submit proof, in a form prescribed by rule of the Financial Services Commission, that the individual meets one of the specified fee waiver qualifications.

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<sup>124</sup> Florida Department of Business and Professional Regulation, Agency Analysis of 2018 House Bill 29, p. 4 (Jan.22, 2018).

<sup>125</sup> Email from Tanya Cooper, Director of Governmental Relations, Florida Department of Education, RE: Military, regarding the expected fiscal impact of HB 29 (Dec. 14, 2017).

Many license application forms and licensing procedures will need to be amended by the affected agencies in order to implement this bill.

There is sufficient rulemaking authority for each agency to make these changes.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On January 24, 2018, the Commerce Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- allow members of the board of directors for Veterans Florida, to be eligible for reappointment to the board,
- provide additional requirements or limitations for receiving training grants for or instituting a veteran entrepreneurship program with Veterans Florida,
- delete the waiver of fingerprinting requirements for certain veterans who are applicants for funeral and cemetery, insurance, or fire safety-related licenses,
- revise the waiver of prelicensure coursework requirements for insurance license applicants to include current members of the U.S. Armed Forces and their spouses,
- remove the waiver of prelicensure coursework requirements in those instances where the coursework is the only knowledge acquisition/demonstration element prior to receiving an insurance license,
- delete the proposed extension of time prior for reexamination for two fire safety-related licenses for those eligible for an “inactive” status,
- limit the application fee waiver for a preneed (funeral services) license to individuals, and
- provide a method for a member or veteran to certify their knowledge, training, and experience to gain credit in licensing for funeral directing, embalming, and direct disposing.

This analysis is drafted to the committee substitute as passed by the Commerce Committee.