

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 858

INTRODUCER: Health Policy Committee and Senator Torres and others

SUBJECT: Benefits, Training, and Employment for Veterans and their Spouses

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Fav/CS
2.	Gerbrandt	Money	AHS	Favorable
3.	Rossitto-Van Winkle	Yeatman	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 858 requires the Florida Department of Veterans' Affairs and Florida is for Veterans (FIFV) to provide spouses of veterans and current members of the Armed Forces with all the services and assistance that these organizations currently provide. The bill also requires FIFV to assist veterans and their spouses in accessing training, education, and employment in health care professions and to coordinate with the Department of Health to assist veterans and their spouses in obtaining health care licensure.

The bill creates the Office of Veterans Licensure Services (the Office) within the Department of Health, to assist active duty members of the U.S. Armed Forces, the U.S. Reserves, the National Guard, veterans, and their spouses with health care practitioner licensure in Florida.

The bill appropriates \$399,565 in trust fund dollars and four positions to the Department of Health to implement the provisions of the bill. See Section V. of this analysis.

The bill takes effect July 1, 2023.

II. Present Situation:

United States Armed Forces

The U.S. Armed Forces is made up of six military branches: Air Force, Army, Coast Guard, Marine Corps, Navy and, most recently, Space Force. The secretary of the U.S. Department of Defense (DoD) has control over the military and each branch, except the Coast Guard, which is under the Department of Homeland Security. With more than two million civilian and military employees, the U.S. DoD is the world's largest employer.¹

U.S. Reserves and National Guard

The Guard and Reserve fill vital roles in the U.S., augmenting the active-duty military services and filling specific needs nationwide. The Guard and Reserve differ from the regular military in that active-duty military members work in the military full time, while regular Guard members and Reservists typically serve on a part-time basis. Both Reservists and Guard members can serve on active-duty orders, known as Active Guard Reserve, or be deployed based on need.

Each branch of the military has a Reserve component whose main purpose is to have trained units available for active duty as needed. Unlike the National Guard, the reserves are always funded by the federal government. The Guard includes the Army National Guard and Air National Guard in each state, U.S. territory and the District of Columbia. Guard units typically are controlled by the state, but they can be activated for federal duty (federalized) and deployed. Both Reserve and Guard units train about one weekend per month plus two weeks a year for “annual training.” Guard and Reserve members must serve a certain number of hours each year to make a “good year” to qualify for benefits and retirement.²

Florida Department of Veterans’ Affairs (FDVA)

The Legislature created the FDVA to assist all former, present, and future members of the U.S. Armed Forces and their dependents in preparing claims for and securing compensation, hospitalization, career training, and other benefits or privileges to which they are, or may become, entitled to under federal or state law by reason of their service in the U.S. Armed Forces. All services rendered under the FDVA must be without charge to the claimant.³

There are 1,492,000 veterans⁴ currently living in Florida, making the state’s veteran population the third largest nationally.⁵

¹ Military.com, *What Are the Branches of the US Military?*, available at <https://www.military.com/join-armed-forces/us-military-branches-overview.html> (last visited Apr. 10, 2023).

² Military.com, *Join the Military, Services Choices, National Guard and Military Reserves Explained*, available at <https://www.military.com/join-armed-forces/guard-reserve-explained.html> (last visited Apr. 10, 2023).

³ Section 292.05(1), F.S.

⁴ Section 1.01(14), F.S., defines veteran as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only, or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the U.S. Department of Veterans Affairs (U.S. DVA) on individuals discharged or released with other than honorable discharges.

⁵ Florida Department of Veterans’ Affairs, *Our Veterans*, available at <http://floridavets.org/our-veterans/> (last visited April 10, 2023).

One of the duties of the FDVA is to conduct an ongoing study on the problems and needs of U.S. Armed Forces resident veterans and the problems and needs of their dependents. The study is required to include:

- A survey of existing state and federal programs available for resident veterans and their dependents that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation, extension, or improvement of such programs;
- A survey of the needs of resident veterans and their dependents in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding federal, state, and community services that would meet those needs; and
- A survey of federal, state, public, and private moneys available that could be used to defray the costs of state or community services needed for resident veterans and their dependents.

Florida Is For Veterans, Inc. (FIFV)

Section 295.21, F.S., created “Florida Is For Veterans, Inc.,” within the FDVA as a separate nonprofit corporation to help military veterans transition to civilian life or move to Florida through career service initiatives. FIFV’s mission is to promote the value of military skill sets to businesses, assist in training veterans to match marketplace needs, and enhance entrepreneurial skills of veterans.

All agencies of the state are authorized and directed to provide technical assistance to FIFV and identify agency programs to provide assistance or benefits to veterans who are located in or considering relocation to the state. The FDVA may authorize the FIFV to use of FDVA property, facilities, and personnel services, as prescribed by contract.⁶

The purpose of the FIFV is to promote Florida as a veteran-friendly state that seeks to provide veterans with employment opportunities and that promotes the hiring of veterans by the business community. The FIFV must encourage retired and recently separated military personnel to remain in Florida or to make the state their permanent residence. The FIFV must promote the value of military skill sets to businesses in the state, assist in tailoring the training of veterans to match the needs of the employment marketplace, and enhance the entrepreneurial skills of veterans.⁷

Florida Veterans Employment and Training Services Program (VETS)

The Veterans Employment and Training Services Program (VETS) was created within the FDVA, and is administered by FIFV, 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.

⁶ Section 295.21(1), F.S.

⁷ Section 295.21(2), F.S.

The Department of Economic Opportunity

The Department of Economic Opportunity (DEO) assists the Governor in advancing Florida's economy by championing the state's economic development vision and by administering state and federal programs and initiatives to help visitors, citizens, businesses, and communities.

The DEOs veterans' employment initiatives include, but are not limited to the following services:

- Intensive case management services to veterans with significant barriers to employment including:
 - On-the-job training development;
 - Non-paid work experience;
 - Selective job placement;
 - Counseling;
 - Follow-up services;
 - Job-seeking skills training;
 - Job analysis; and
 - Labor market information.
- Outreach to employers to increase employment opportunities for veterans; and
- Priority enrollment and participation in all U.S. DOL funded employment and training programs, including technology-assisted activities.

Jobs for Veterans' State Grant

The Jobs for Veterans' State Grant program is funded by the U.S. Department of Labor (U.S. DOL) Veterans Employment and Training Service. The DEO administers it in coordination with 24 local workforce development boards to promote and maximize the employment of Florida's veteran population. The Jobs for Veterans' State Grant provides federal funding to support the staffing of the Disabled Veterans' Outreach Program specialists, local veterans' employment representatives, and consolidated positions throughout the DEO's CareerSource Florida Career Center Network.

The Jobs for Veterans' State Grant also supports the DEO's State Veterans' Program Office which is composed of the State Veterans Program coordinator, Regional Veterans Program coordinators, and Intensive Service coordinators. The State Veterans' Program Office seeks to ensure consistency and excellence in program service delivery through the provision of technical assistance, policy, training, and monitoring.

Florida's Jobs for Veterans' State Grant program prepares veterans, transitioning service members, and eligible spouses for meaningful careers through the development of a proactive employment plan and through connection to a career center and community resources to obtain and maintain employment.

The Veteran Readiness and Employment Program is an employment and training program to assist disabled veterans who are being trained/retrained and rehabilitated for new careers by the U.S. DVA. Services include, but are not limited to, on-the-job training development, non-paid

work experience, selective job placement, case management, counseling, follow-up services, provision of job-seeking skills training, job analysis, labor market information.

The Military Family Employment Advocacy Program delivers employment assistance services to active duty military spouses and family members, activated National Guard members, and other military reservists whose units have been activated. Services include interviewing skill training, assessment and testing services, career planning and counseling, job search and placement assistance, labor market information, resume assistance.

The DEO's Employ Florida Vets Portal is a function of the Employ Florida system and is tailored specifically to the needs and interests of veterans. One specific function is to translate military specialty codes, representing military employment classifications, into equivalent civilian job titles.

Florida's Department of Health (DOH)

The Legislature created the DOH to protect and promote the health, safety, and welfare of all residents and visitors in the state.⁸ The DOH is charged with the regulation of health practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the regulatory boards⁹ and professions within the DOH.¹⁰

Health Care Practitioner Regulation

The DOH, Division of MQA, provides health care practitioner regulation and support to health care regulatory boards and councils. Boards are responsible for approving or denying an applicant's license based upon:

- Reviewing applicant qualifications specified in statute;
- Reviewing continuing education courses and practitioners;
- Adopting administrative rules authorized by statute;
- Determining probable cause in cases resulting from complaints; and
- Disciplining practitioners found to be in violation of applicable laws.

The Division of MQA licenses and regulates seven types of health care facilities and more than 200 license types in over 40 professions, while partnering with 22 boards and four councils.¹¹

Health Care Practitioner Scope of Practice

The scope of practice for a regulated health care profession includes activities and procedures that a person with a specified level of education, training, and competency is authorized to perform under laws and rules of the state in which the person practices. Scope of practice can

⁸ Sections 20.43(1) and 456.003, F.S.

⁹ Under s. 456.001(1), F.S., "board" is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the MQA.

¹⁰ Section 20.43(3), F.S.

¹¹ Department of Health, 2022 *Agency Legislative Bill Analysis of CS/SB 466*, pg. 2 (Feb. 3, 2022) (on file with the Senate Committee on Health Policy).

also incorporate conditions that may limit the exercise of authorized activities and procedures.¹² Licensed health care practitioners¹³ in Florida may only perform that which is authorized by the scope of practice for their profession. Individuals who perform functions outside of their scope of practice are subject to discipline. Individuals who perform tasks that are specific to a scope of practice identified in statute without required licensure may be considered to be performing unlicensed activities in violation of law.¹⁴

Currently, any active duty member of the U.S. Armed Forces who, at the time of going on active duty, was in good standing with any health profession regulatory board, or the DOH if there is no board, and is entitled to practice or engage in his or her profession or vocation, must be kept in good standing without registering, paying dues or fees, or performing any other act as long as he or she is on active duty and for a period of six months after discharge from active duty, provided he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.¹⁵

Additionally, current law allows military health care practitioners who are practicing under a military platform, which is a training agreement with a nonmilitary health care provider, to be issued a temporary certificate to practice in this state.¹⁶ Applicants for a temporary certificate must:

- Submit proof that he or she will be practicing pursuant to a military platform;
- Submit a complete application and a nonrefundable application fee, which cannot exceed \$50;
- Hold an active, unencumbered license to practice as a health care professional issued by another state, the District of Columbia, or a possession or territory of the United States or is a military health care practitioner in a profession for which licensure in a state or jurisdiction is not required for practice in the U.S. Armed Forces and provides evidence of military training and experience substantially equivalent to the requirements for licensure in Florida in that profession;

¹² Federation of State Medical Boards, *Assessing Scope of Practice in Health Care Delivery: Critical Questions in Assuring Public Access and Safety* (April 2005) available at <https://www.fsmb.org/siteassets/advocacy/policies/assessing-scope-of-practice-in-health-care-delivery.pdf> The Federation of State Medical Boards is an association whose members include all medical licensing and disciplinary boards in the U.S. and U.S. territories. The Federation acts as a collective voice for 70 member medical boards in promoting high standards for medical licensure and practice. The Guidelines recommend that State regulators and legislators review various factors when considering scope of practice initiatives in the interest of public health and patient safety.

¹³ Section 456.001, F.S., defines a “health care practitioner” to mean any person licensed under chapter 457 (acupuncture); chapter 458 (medical practice); chapter 459 (osteopathic medicine); chapter 460 (chiropractic medicine); chapter 461 (podiatric medicine); chapter 462 (naturopathy); chapter 463 (optometry); chapter 464 (nursing); chapter 465 (pharmacy); chapter 466 (dentistry, dental hygiene, and dental laboratories); chapter 467 (midwifery); part I, part II, part III, part V, part X, part XIII, or part XIV of chapter 468 (speech-language pathology, nursing home administration, occupational therapy, respiratory therapy, dietetics and nutrition practice, athletic trainers, orthotics, prosthetics, and pedorthics); chapter 478 (electrolysis); chapter 480 (massage therapy); part I, part II, or part III of chapter 483 (clinical laboratory personnel, medical physicists, genetic counseling); chapter 484 (dispensing of optical devices and hearing aids); chapter 486 (physical therapy practice); chapter 490 (psychological services); or chapter 491 (clinical, counseling, and psychotherapy).

¹⁴ Section 456.072, F.S.

¹⁵ Section 456.024, F.S.

¹⁶ Section 456.0241, F.S.

- Attest that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. DoD for reasons related to the practice of the profession for which he or she is applying;
- Have been determined to be competent in the profession for which he or she is applying; and
- Submit to background screening if required for the profession for which he or she is applying.

III. Effect of Proposed Changes:

Section 1 makes conforming changes to require the Office of Economic and Demographic Research to perform a program evaluation of the entire Veterans Employment and Training Services Program, rather than specific components of that program.

Section 2 amends s. 292.05, F.S., to expand the duties of the Florida Department of Veterans' Affairs (FDVA) to provide the same benefits and assistance to the spouses of veterans and members of the armed forces which are currently only provided to veterans and members of armed forces.

Sections 3 and 4 amend ss. 295.21 and 295.22, F.S., respectively, to expand the duties of Florida is for Veterans, Inc. (FIFV) to provide the same benefits and assistance to the spouses of veterans that are currently only provided to veterans.

Section 4 amends s. 295.22, F.S., and adds the following new duties for FIFV:

- Assisting veterans and their spouses in accessing training, education, and employment in health care professions; and
- Coordinating with the Office of Veteran Licensure Services within the Department of Health (DOH) to assist veterans and their spouses in obtaining licensure pursuant to s. 456.024, F.S., which pertains to maintaining licensure status while on active duty.

Sections 5 and 6 amend s. 456.013 (13), F.S., respectively, to relocate statutes relating to the waiver of all licensure fees for initial DOH licenses for veterans and their spouses to s. 456.024, F.S. The bill removes the requirement that a military veteran or spouse must apply for the fee waiver within 60 months after being honorably discharged and allows an application to be submitted up to 6 months before discharge.

The bill amends s. 456.024, F.S., to clarify that an active duty U.S. armed forces member, who is a health care practitioner in good standing, will not be required to pay renewal fees or complete continuing education requirements and will be kept in good standing while on active duty and for six months after discharge if he or she is not practicing in the private sector for profit.

Section 7 amends s. 456.0241, F.S., to waive all application and renewal fees related to temporary certificates for active duty military health care practitioners.

Section 8 creates s. 456.0242, F.S., which establishes the office of Veterans Licensure Services (the Office), within the DOH, to assist active duty members of the U.S. Armed Forces, the Reserve, the Guard, veterans, and the spouses of veterans who seek to become a licensed health

care practitioner in this state. The Office must be headed by an executive director, who must be a veteran designated by the DOH.

Under the bill, the Office must:

- Provide information, guidance, direction, and assistance with the licensure process;
- Coordinate with each health profession regulatory board, or the DOH if there is no board, to expedite all applications submitted;
- Refer an individual requesting assistance with resume writing and proofreading, job application completion, and interviewing skills and techniques to FIFV;
- Refer an individual requesting information about educational or employment opportunities in health care professions to FIFV;
- Submit a report by November 11 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must categorize each individual as an active duty member, a veteran, or a veteran's spouse and must include, but is not limited to:
 - The number of individuals served;
 - The educational and training background of each individual seeking licensure;
 - Each health care license an individual holds in another state, irrespective of the current status of the license;
 - The number of licensure applications received;
 - The average number of calendar days required to license a qualified applicant; and
 - The number of referrals made for vocational assistance.

The bill authorizes the DOH to adopt rules necessary to implement the bill.

Section 9 provides an appropriation, which is outlined in Section V. of this analysis.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 858, in part, is designed to address the shortage of health care professionals in this state, but the extent of that potential impact is indeterminate.

C. Government Sector Impact:

According to the Department of Health (DOH), the provisions of bill will require the establishment of the Office of Veteran Licensure Services with a substantial workload that cannot be absorbed within existing resources. As such, the bill appropriates four full-time equivalent positions with an associated salary rate of 223,879 and the sums of \$380,209 in recurring funds and \$19,356 in nonrecurring trust fund dollars to the DOH for the purpose of implementing the bill for Fiscal Year 2023-2024.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The report required under s. 456.0242, F.S., does not include reporting on data relating to Reserve and Guard members who may utilize the services of the Office of Veteran Licensure Services.

VIII. Statutes Affected:

This bill creates section 456.0242 of the Florida Statutes.

The bill substantially amends the following sections of the Florida Statutes: 288.0001, 292.05, 295.21, 295.22, 456.013, 456.024, and 456.0241.

IX. Additional Information:

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

CS by Health Policy on April 4, 2023:

The CS:

- Changes the title of the bill to, “An Act Relating to Benefits, Training, and Employment for Veterans and their Spouses;”
- Increases the duties of:
 - The FDVA to include veterans spouses;
 - The FIFV to assist veterans’ spouses in finding employment; and
 - Florida VET program to work with veterans and their spouses to find employment and coordinate with the OVLS to assist veterans and their spouses in obtaining health care licenses.
- Moves statutory provisions relating to veteran health care practitioner fee waivers for initial licenses from s. 456.013, F.S., to s. 456.024, F.S., and adds veteran’s spouses to the waiver, and amends s. 456.0241, F.S., to waive all temporary licensure fees for active duty military.
- Creates the OVLS in MQA, within the DOH, to assist active duty members U.S. Armed Forces, Reserves, and Guard, veterans, and veterans’ spouses who seek to become licensed health care practitioners in this state.
- Requires the OVLS to perform specific functions and to file a report with the Governor, President of the Senate, and Speaker of the House by Veterans Day each year detailing certain information; and
- Appropriates four FTE positions with associated salary rate of 223,879 and the sums of \$380,209 in recurring funds and \$19,356 in nonrecurring funds from the MQA Trust Fund to the DOH for the purpose of implementing the OVLS for the 2023-2024 state fiscal year.

- B. **Amendments:**

None.