

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 Health Policy

BILL: CS/SB 858

INTRODUCER: Committee on Health Policy and Senators Torres, and others

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

DATE: April 5, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 858 revises the duties of the FDVA to provide assistance to members of the U.S. Armed Forces, dependents, veterans, and their spouses and revises the duties of Florida is for Veterans, Inc. (FIFV), to provide veterans and their spouses with assistance in finding employment. The bill requires Florida VETS to assist veterans' spouses to find employment and adds the following additional duties:

- Assisting veterans and their spouses in accessing training, education, and employment in health care professions; and
- Coordinating with the Office of Veteran Licensure Services (OVLS) within the Department of Health (DOH) to assist health-care-trained veterans and their spouses in obtaining health care licensure.

The bill relocates the statutory provisions for fee waivers for all initial health care practitioner licenses for veterans and their spouses from s. 456.013, F.S., to s. 456.024, F.S., and adds fee waivers for veterans' spouses. The bill waives fees for all temporary licenses for active duty military service members.

CS/SB 858 creates the office of Veterans Licensure Services (OVLS) in Medical Quality Assurance (MQA), within the DOH, to assist active duty members of the U.S. Armed Forces, the U.S. Reserves (Reserve), the National Guard (Guard), veterans, and their spouses who seek to become licensed health care practitioners in Florida. The Executive Director (ED) must be a

veteran and the bill requires him or her to have specific knowledge and perform specific functions. The ED must file a report with the Governor, President of the Senate, and Speaker of the House detailing specific information about the OVLS.

The bill appropriates \$380,209 in recurring trust fund dollars. See Section V. of this analysis.

The bill provides an effective date of 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 (DHS). 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 (AGR), 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. 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 Veterans

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.

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. 2, 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. 4, 2023).

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 veterans currently live in Florida, making the state's veteran population the third largest nationally.⁴

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 moving 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.⁵

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

³ Section 292.05(1), F.S.

⁴ Florida Department of Veterans' Affairs, *Our Veterans*, available at <http://floridavets.org/our-veterans/> (last visited April 4, 2023).

⁵ Section 295.21(1), F.S.

match the needs of the employment marketplace, and enhance the entrepreneurial skills of veterans.⁶

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.

Florida Supporting Veterans

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.

Jobs for Veterans' State Grant

The Jobs for Veterans' State Grant program is funded by the U.S. Department of Labor (U.S. DOL) and Veterans Employment and Training Service (VETS). 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 DEO Veterans' Employment Services and Programs 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;

⁶ Section 295.21(2), F.S.

- 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.

The VA Veteran Readiness and Employment (VR&E) 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. VR&E services include 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, etc.

The Military Family Employment Advocacy Program delivers employment assistance services, including interviewing, assessment, counseling, job search and placement assistance, labor market information, resume assistance, etc., through Military Family Employment Advocates co-located within selected career centers. Spouses and dependents of active-duty military personnel, Florida National Guard members, and military reservists are eligible for assistance through this program.

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.

Section 456.024, F.S., provides that any U.S. Armed Forces member on active duty 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.

Section 456.0241, F.S., provides temporary certificates for active duty military health care practitioners to practice in a regulated profession if the applicant:

- Submits proof that he or she will be practicing pursuant to a military platform;
- Submits a complete application and a nonrefundable application fee;
- Holds 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;

- Attests 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;
- Has been determined to be competent in the profession for which he or she is applying; and
- Submits to background screening if required for the profession for which he or she is applying.

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.⁷ 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 boards⁸ and professions within the DOH.⁹

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.¹⁰

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 also incorporate conditions that may limit the exercise of authorized activities and procedures.¹¹

⁷ Sections 20.43(1) and 456.003, F.S.

⁸ 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.

⁹ Section 20.43(3), F.S.

¹⁰ 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).

¹¹ 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.

Licensed health care practitioners¹² 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.¹³

III. Effect of Proposed Changes:

CS/SB 858 changes the title of the bill to, “An Act Relating to Benefits, Training, and Employment for Veterans and their Spouses.”

The bill amends s. 292.05, F.S., to broaden the duties of the FDVA to provide assistance to members of armed forces, dependents, veterans, and, under the bill, their spouses, in preparing claims for and securing compensation, hospitalization, career training, and other benefits or privileges to which any of them may become entitled. The bill amends s. 295.21, F.S., to add to Florida is for Veterans, Inc.(FIFV) duty to provide veterans with assistance in finding employment to, under the bill, include that same duty to their spouses. The bill amends s. 295.22, F.S., the Florida VETS, to assist veterans’ spouses to find employment. The bill adds the following new duties:

- 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 DOH to assist veterans and their spouses in obtaining licensure pursuant to s. 456.024.

The bill amends s. 456.013, F.S. 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 also amends s. 456.0241, F.S., to waive all temporary licensure fees for active duty military.

The bill amends s. 456.024, F.S., to make clear an active duty U.S. armed forces members, who is a health care practitioners 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.

The bill creates s. 456.0242, F.S., which establishes the office of Veterans Licensure Services (OVLS) in MQA, 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

¹² 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).

¹³ Section 456.072, F.S.

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

Under the bill, the OVLS 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 Veterans Day 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. The bill also contains an appropriation, which is outlined in Section V. of this analysis.

The bill provides an effective date of 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 effect is indeterminate.

C. Government Sector Impact:

CS/SB 858 appropriates four full-time equivalent (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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

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

VIII. Statutes Affected:

This bill creates section 456.242 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.