

**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.)

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Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

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BILL: SB 1884

INTRODUCER: Senator Broxson

SUBJECT: Military and Veterans Affairs

DATE: January 31, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ryon	Ryon	MS	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1884 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 waiver;
- For the Department of Financial Services professional licensees, creating fingerprinting requirement waivers 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 concerning apprenticeship programs, 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.

Lastly, 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.

The bill provides an effective date of July 1, 2018.

## **II. Present Situation:**

For ease of reference, the Present Situation for each section of SB 1884 is addressed in the Effect of Proposed Changes portion of this bill analysis.

## **III. Effect of Proposed Changes:**

### **Licensure Interruption for Active Duty Military Personnel**

#### *Present Situation:*

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>1</sup>

#### *Effect of Proposed Changes:*

**Section 1** of the bill creates s. 250.483, F.S., to require 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, servicemembers must request the issuance under these provisions within six months after the release from active duty with the Florida National Guard or the U.S. Armed Forces.

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<sup>1</sup> s. 489.1131, F.S.

## Department of Health

### *Present Situation:*

#### 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>2</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>3</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>4</sup> with the U.S. Armed Forces<sup>5</sup> who holds an active license to practice a health care profession in another state or jurisdiction.<sup>6</sup> To qualify for expedited licensure and fee waivers, the military spouse must:<sup>7</sup>

- Submit a complete application;<sup>8</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.

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<sup>2</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, dietitians, 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>3</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> (last visited Jan. 31, 2018).

<sup>4</sup> Full-time duty in the active military service of the United States. 10 U.S.C. § 101(d)(1).

<sup>5</sup> Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).

<sup>6</sup> s. 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.

<sup>7</sup> s. 456.024(3)(b), F.S.

<sup>8</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 Jan. 31, 2018).

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 Florida.<sup>9</sup> A temporary license is valid for one year and is not renewable.<sup>10</sup> To be eligible for a temporary license, a military spouse must:<sup>11</sup>

- Submit a completed application and application fee;<sup>12</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>13</sup> of a dentist who holds an active license to practice in this state.<sup>14</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>15</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>16</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>17</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>18</sup>

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

<sup>10</sup> s. 456.024(4)(f), F.S.

<sup>11</sup> s. 456.024(4)(a)-(d), F.S.

<sup>12</sup> Pursuant to r. 64B-4.007, F.A.C., the application fee is \$65.

<sup>13</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>14</sup> s. 456.024(4)(j), F.S.

<sup>15</sup> s. 456.065(1), F.S.

<sup>16</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>17</sup> s. 456.065(2)(c), F.S.

<sup>18</sup> s. 456.065(2)(d), F.S.

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>19</sup> Similarly, some activities may be regulated under one profession on one state in a different profession in another state.

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 Proposed Changes:***

**Section 5** of the bill amends s. 456.024, F.S., to expand 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.

The bill also 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.

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<sup>19</sup> Commission on Dietetic Registration, *Laws that Regulate Dietitians/Nutritionist*, available at <https://www.cdmet.org/vault/2459/web/files/Licensurelawsregulations.pdf> (last visited on Jan. 31, 2018).

## Department of Business and Professional Regulation

### *Present Situation:*

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professionals in Florida.<sup>20</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,
- 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>21</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>22</sup> Licensees who wish to renew their license must pay a license renewal fee<sup>23</sup> and may be subject to continuing education requirements<sup>24</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,

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<sup>20</sup> s. 20.165, F.S.

<sup>21</sup> *Id.*

<sup>22</sup> s. 455.201, F.S.

<sup>23</sup> s. 455.203, F.S.

<sup>24</sup> s. 455.2123, F.S.

- 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>25</sup>
- Any honorably discharged military veteran for 60 months post discharge, or
- A spouse of such a veteran for 60 months post discharge.<sup>26</sup>

Military servicemembers 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>27</sup>

An active duty 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>28</sup>

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

***Effect of Proposed Changes:***

**Section 4** of the bill amends s. 455.02, F.S., to grant a license renewal fee waiver to a DBPR licensee who is:

- An active duty military servicemember, 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 military servicemember who is present in this state because of such member’s active duty; and
- A surviving spouse of a military servicemember, 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.

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<sup>25</sup> s. 455.219(7)(a), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

<sup>26</sup> s. 455.213(12), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

<sup>27</sup> s. 455.02(1), F.S.

<sup>28</sup> s. 455.02(2), F.S.

## Department of Agriculture and Consumer Services

### *Present Situation*

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>29</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 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>30</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 military servicemembers and their spouses and surviving spouses do not receive renewal fee allowances or waivers for the DACS professional licenses or registrations listed above. However, there are allowances made for such members and spouses who are licensed under the Board of Professional Surveyors and Mappers (BPSM).

Military servicemembers 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.

<sup>29</sup> s. 20.14(2), F.S.

<sup>30</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.

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 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 members who are present in Florida or for any surviving spouses of such members.

***Effect of Proposed Changes:***

**Sections 6-10, 29-33, and 35-38** of the bill amend existing law to expand 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>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**

### ***Present Situation:***

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;

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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.nationwidelicensingsystem.org/profreq/testing/Pages/UniformStateTest.aspx> (last visited Jan. 31, 2018).

- 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>
- 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

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

<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 Jan. 31, 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.

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:

- 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>

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

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

<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.*

***Effect of Proposed Changes:***

**Sections 11 and 34** of the bill amend ss. 494.00312 and 517.12, F.S., respectively, to require the OFR to waive the following fees:

- \$195 initial application fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator, or \$50 associated person initial assessment fee for an applicant who:
  - Is or was an active duty member of the U.S. Armed Forces. A former servicemember must have received an honorable discharge upon separation or discharge from the military.
  - 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.

**Sections 12 and 34** of the bill amend 494.00313 and 517.12, F.S., respectively, to require the OFR to waive the following fees:

- \$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. A former servicemember 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 military;
  - 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.

**Department of Financial Services*****Present Situation:***

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,

<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.

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).

### ***Effect of Proposed Changes:***

#### **Funeral and Cemetery Services**

**Sections 13-28** of the bill amend ch. 497, F.S., to waive:

- Fingerprinting requirements for honorably discharged veterans for 24 months following discharge for all individually licensed funeral and cemetery services professions; and
- 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 a members of the U.S. Armed Forces (and their spouse) and honorably discharged veterans (within 24 months of discharge) for licensure as:

<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.

<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.

- Embalmer, including Temporary Embalmer, Embalmer Intern, and Embalmer Apprentice;
- Funeral Director, including Temporary Funeral Director and Funeral Director Intern;
- Preneed Sales, including Preneed Sales Agent;
- Brokers of Burial Rights;
- Direct Disposer; and
- Monument Establishment Sales Agent.

The bill also requires the Board of Funeral, Cemetery, and Consumer Services, as well as the DFS Division of Funeral, Cemetery, and Consumer Services, to recognize applicable military-issued credentials for purposes of licensure as an embalmer, funeral director, or direct disposer.<sup>64</sup>

### Insurance

**Sections 39-54** of the bill amend ch. 626, F.S. to:

- Waive fingerprinting requirements for honorably discharged veterans for 24 months following discharge for all insurance profession licenses;
- Expand the waiver of application fees for insurance profession licenses. Currently the waiver applies to members of the U.S. Armed Forces (and 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; and
- Eliminate pre-licensure course requirements for insurance profession licenses for honorably discharged veterans and their spouses.<sup>65</sup>

### Fire Prevention and Control

**Sections 55-59** of the bill amends ch. 633, F.S., to waive fingerprinting requirements for honorably discharged veterans for 24 months following discharge for all firefighting and fire safety professions.

The bill allows DFS to extend the following periods related to license renewal or retention:

- The six-month grace period following license expiration where the licensee does not have to pass a new examination in order to reactivate the license. The certificate holder, licensee, or permit holder receiving the time extension must be an honorably discharged veteran or his or her spouse. 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. The penalty applicable to inoperative licenses or permits is also waived for these veterans and spouses; and
- 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

<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. 31, 2018).

<sup>65</sup> Honorably discharged veterans and their spouses must also pass any required licensure exam.

time must be an honorably discharged veteran or his or her spouse. 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.

The bill waives 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).

### Bail Bonds

**Sections 60-61** of the bill amend ss. 648.34 and 648.355, F.S., respectively, to waive fingerprinting requirements for honorably discharged veterans who apply for a temporary or permanent bail bond agent license within 24 months following discharge.

## **Department of Education**

### *Present Situation:*

#### Medal of Honor Day

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>66</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 State Board of Education 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>67</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>68</sup>

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<sup>66</sup> Congressional Medal of Honor Foundation, <http://themedalofhonor.com/cmoh-foundation/history> (last visited Jan. 31, 2018).

<sup>67</sup> s. 1003.42(2)(s), F.S.

<sup>68</sup> s. 1003.42(2)(t), F.S.

There are various resources available to educate students about the Medal of Honor and the significance it can play in character development programs.<sup>69</sup>

***Effect of Proposed Changes:***

**Section 62** the bill creates s. 683.147, F.S., to allow 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.

**Section 64** of the bill amends s. 1003.42, F.S., to state 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.

***Present Situation:***

Florida Virtual School

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>70</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>71</sup>

***Effect of Proposed Changes:***

**Section 63** of the bill amends s. 1002.37, F.S., to provide 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

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<sup>69</sup> Congressional Medal of Honor Foundation, *History*, <http://themedalofhonor.com/character-development> (last visited Jan. 31, 2018).

<sup>70</sup> s. 1002.37(1), F.S.

<sup>71</sup> s. 1012.37(1)(b), F.S.

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.

***Present Situation:***

Florida Teacher’s Classroom Supply Assistance Program

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>72</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>73</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>74</sup> For fiscal year 2017, the legislature appropriated \$45,286,750 for the Florida Teacher’s Classroom Supply Assistance program.

***Effect of Proposed Changes:***

**Section 65** of the bill amends s. 1012.55, F.S., to allow JROTC instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.

***Present Situation:***

Florida Educator Certification

In order for a person to serve as an educator in a traditional public school, charter school, virtual school, or other publicly operated school, the person must hold a certificate issued by the Florida Department of Education (DOE).<sup>75</sup> Persons seeking employment at a public school as a school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or in another instructional capacity must be certified.<sup>76</sup> The purpose of certification is to require school-based personnel to “possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools.”<sup>77</sup>

The DOE issues three types of educator certificates:

- **Professional Certificate.** The professional certificate is Florida’s highest type of full-time educator certification. The professional certificate is valid for five years and is renewable.<sup>78</sup>

<sup>72</sup> ss. 1012.71, F.S. and 6(16), F.S.; ch. 2017-234, L.O.F.

<sup>73</sup> s. 1012.71(1) F.S.

<sup>74</sup> ss. 1012.71(1) F.S. and 1012.55(4) F.S.

<sup>75</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

<sup>76</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

<sup>77</sup> Section 1012.54, F.S.

<sup>78</sup> Section 1012.56(7)(a), F.S.

- **Temporary Certificate.** The temporary certificate covers employment in full-time positions for which educator certification is required. The temporary certificate is valid for three years and is nonrenewable.<sup>79</sup>
- **Athletic Coaching Certificate.** The athletic coaching certificate covers full-time and part-time employment as a public school's athletic coach.<sup>80</sup>

A person seeking an educator certificate must submit an application to the DOE and remit the required fee.<sup>81</sup>

To be eligible for an educator certificate, a person must:<sup>82</sup>

- Be at least 18 years of age;
- Sign an affidavit attesting that the applicant will uphold the U.S. and State Constitutions;
- Earn a bachelor's or higher degree from an accredited institution of higher learning or from a non-accredited institution identified by the DOE as having a quality program resulting in a bachelor's or higher degree;
- Submit to fingerprinting and background screening and not have a criminal history that requires the applicant's disqualification from certification or employment;
- Be of good moral character; and
- Be competent and capable of performing the duties, functions, and responsibilities of a teacher.

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;<sup>83</sup>
- Demonstrate mastery of general knowledge;<sup>84</sup>
- Demonstrate mastery of subject area knowledge;<sup>85</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>86</sup>

A three-year nonrenewable temporary certificate<sup>87</sup> may be issued to an applicant who does not qualify for the professional certificate, but meets the basic eligibility requirements for certification<sup>88</sup> and:

- Obtains full-time employment in a position that requires a Florida educator certificate by a school district or private school that has a professional education competence demonstration program;<sup>89</sup> and

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<sup>79</sup> Section 1012.56(7), F.S.

<sup>80</sup> Section 1012.55(2), F.S.

<sup>81</sup> Section 1012.56(1), F.S.

<sup>82</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>83</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>84</sup> Section 1012.56(2)(g), F.S. See Florida Department of Education, *General Knowledge*, [http://www.fldoe.org/edcert/mast\\_gen.asp](http://www.fldoe.org/edcert/mast_gen.asp) (last visited Jan. 31, 2018).

<sup>85</sup> Section 1012.56(2)(h), F.S.

<sup>86</sup> Section 1012.56(2)(i), F.S.; Florida Department of Education, *Professional Preparation and Education Competence*, <http://www.fldoe.org/teaching/certification/general-cert-requirements/professional-preparation-edu-competenc.html> (last visited Jan. 31, 2018).

<sup>87</sup> Section 1012.56 (7)(b), F.S.

<sup>88</sup> Section 1012.56(2)(a)-(f) and (7)(b), F.S.

<sup>89</sup> Section 1012.56(1)(b), F.S.

- Demonstrates mastery of subject area knowledge.<sup>90</sup>

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge<sup>91</sup> within one calendar year after employment in order to remain employed in a position that requires a certificate.<sup>92</sup> The State Board of Education is required to adopt rules to allow the DOE to extend the validity period of a temporary certificate for two years when the requirements for the professional certificate, not including the mastery of general knowledge requirement, were not completed due to serious illness or injury of the applicant or other extenuating circumstances.<sup>93</sup>

***Effect of Proposed Changes:***

**Section 66** of the bill amends s. 1012.56, F.S., to require the State Board of Education to adopt rules to 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>94</sup> have not been fulfilled due to the military service of an applicant's spouse.

***Present Situation:***

Educational Leadership Certification

The law requires the State Board of Education to classify school services, designate certification subject areas, establish competencies for certification, and establish certification requirements for all school-based personnel.<sup>95</sup> In Florida, aspiring school administrators<sup>96</sup> must complete a state-approved school leader preparation program and attain certification as an educational leader.<sup>97</sup>

The State Board of Education 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>98</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>99</sup> Such institutions may offer a modified program for individuals who already hold a master's or

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<sup>90</sup> Section 1012.56(5), F.S.

<sup>91</sup> Mastery of general knowledge may be demonstrated through several methods, including achieving a passing score on the Florida General Knowledge Test or achieving passing scores established in state board rule on national or international examinations that test comparable content and relevant standards in verbal, analytical writing, and quantitative reasoning skills (e.g., the verbal, analytical writing, and quantitative reasoning portions of the Graduate Record Examination). See s. 1012.56(3), F.S.

<sup>92</sup> Section 1012.56(7), F.S.

<sup>93</sup> *Id.*

<sup>94</sup> s. 1015.56(2)(g), F.S.

<sup>95</sup> s. 1012.55(1)(b), F.S.

<sup>96</sup> School administrators include school principals, school directors, and assistant principals. See s. 1012.01(3)(c), F.S.

<sup>97</sup> See s. 1012.55(1)(b), F.S.; r. 6A-4.0081, F.A.C.

<sup>98</sup> See s. 1012.562, F.S.; r. 6A-4.0081, F.A.C.

<sup>99</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.

higher degree. School district programs may only serve school district employees who already hold a master's or higher degree.<sup>100</sup>

In order to advance to certification as a school principal, the individual must first hold an educational leadership certificate.<sup>101</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>102</sup>

The State Board of Education must adopt rules to allow an individual who meets the following criteria to be eligible for a temporary certificate in educational leadership:<sup>103</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>104</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>105</sup> Currently there are 71 Level II school principal preparation programs in Florida; including 67 school districts, three lab schools, and Florida Virtual School.

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<sup>100</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>101</sup> r. 6A-4.0083, F.A.C.

<sup>102</sup> *Id.*

<sup>103</sup> s. 1012.55(1)(d), F.S. *See* r. 6A-4.004(5), F.A.C.

<sup>104</sup> *Id.*

<sup>105</sup> s.1012.562(3)(a), F.S.

***Effect of Proposed Changes:***

**Section 65** of the bill amends s.1012.55, F.S., to create 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.

***Present Situation:***

Educator Certification Fees

The State Board of Education must establish, by rule, fees for applications, examinations, certification, certification renewal, late renewal, record making, and recordkeeping.<sup>106</sup> Fees for taking the Florida Teacher Certification Examination for the first time are as follows:<sup>107</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>108</sup>

***Effect of Proposed Changes:***

**Section 67** of the bill amends s. 1012.59, F.S., to require the State Board of Education to waive initial general knowledge, professional education, and subject area examination fees and certification fees for the following individuals:

- A member of the U.S. 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 U.S. Armed Forces or a reserve component thereof who was serving on active duty at the time of death; and

<sup>106</sup> s. 1012.59(1), F.S.

<sup>107</sup> r. 6A-4.0021(4), F.A.C.

<sup>108</sup> See r. 6A-4.0012(1)(a)1., F.A.C.

- An honorably discharged veteran of the U.S. 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.

***Present Situation:***

**Apprenticeship Programs**

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>109</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>110</sup> The length of an apprenticeship program varies from one to five years depending on the occupation's training requirements.<sup>111</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>112</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>113</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.

***Effect of Proposed Changes:***

**Sections 2 and 3** of the bill amend ss. 446.041 and 446.081, F.S., respectively, to require the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career

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<sup>109</sup> s. 446.011(2), F.S.

<sup>110</sup> s. 446.021(6), F.S.

<sup>111</sup> s. 446.021(6), F.S.; r. 6A-23.004, F.A.C.

<sup>112</sup> s. 446.092, F.S.

<sup>113</sup> s. 446.092(6), F.S.

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.

***Effect of Proposed Changes:***

**Section 68** of the bill provides an effective date of July 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill will reduce professional licensing fee revenues to the affected agencies, but the amount is indeterminate. Although the impact will depend on the number of individuals who take advantage of the new fee waivers, the agencies have provided a preliminary fiscal expectation.

B. Private Sector Impact:

The bill establishes new fee waivers and expands eligibility for existing fee waivers for a number of Florida professional licenses for military servicemembers, veterans, and their spouse or surviving spouse.

C. Government Sector Impact:

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 expected percentage of potential and current licensees that will take advantage of the new fee waivers.<sup>114</sup>

OFR estimates that there will be an annual reduction of \$1,784,390 in licensing fees as a result of the fee waivers established in the bill. The agency estimated the impact by using

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<sup>114</sup> DACS, *Senate Bill 1884 Agency Analysis* (Jan. 29, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

the percentage of veterans in the adult population of Florida as the number of expected new license applications.<sup>115</sup>

All fees in connection with applying for or renewing an OFR-regulated license referenced in the bill are paid via the Nationwide Mortgage Licensing System and Registry or the Central Registration Depository. Because these are not state-managed systems, the systems will likely not be able to accommodate the fee waivers provided in the bill. The OFR states that the agency will need to manually receive, review and process reimbursements of the fees waived in the bill. The agency states that it will need an additional 8 full time employees, at an annual cost of \$338,732, to receive, review, and process reimbursements for licensure fees waived under the bill.<sup>116</sup>

DBPR indicated that a fiscal impact is indeterminate at this time, but noted that there are currently 440 licensees under DBPR that are identified as military personnel.<sup>117</sup>

DOH expects the agency to incur non-recurring cost for rulemaking, but the costs can be absorbed within the current budget authority.<sup>118</sup>

A fiscal impact from the DOE was not available as of the date of this analysis.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.041, 446.081, 455.02, 456.024, 472.015, 472.016, 493.6105, 493.6107, 493.6113, 494.00312, 494.00313, 497.140, 497.141, 497.142, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.393, 497.453, 497.466, 497.554, 497.602, 501.015, 501.605, 501.607, 501.609, 507.03, 517.12, 527.02, 539.001, 559.904, 559.928, 626.025, 626.171, 626.172, 626.202, 626.292, 626.321, 626.732, 626.7355, 626.7851, 626.8311, 626.8417, 626.8732, 626.8734, 626.927, 626.9272, 626.9912, 633.304, 633.332, 633.412, 633.414, 633.444, 648.34, 648.355, 1002.37, 1003.42, 1012.55, 1012.56, and 1012.59.

This bill creates the following sections of the Florida Statutes: 250.483 and 683.147

<sup>115</sup> OFR, *Senate Bill 1884 Agency Analysis* (Jan. 19, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>116</sup> *Id.*

<sup>117</sup> DBPR, *Senate Bill 1884 Agency Analysis* (Jan. 18, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

<sup>118</sup> DOH, *Senate Bill 1884 Agency Analysis* (Jan. 9, 2018) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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