

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: SB 1504

INTRODUCER: Senator Bean

SUBJECT: Credit for Relevant Military Service

DATE: January 24, 2016

REVISED: 2/2/2016

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.			AGG	
3.			AP	

I. Summary:

SB 1504 authorizes the Department of Health (DOH) to waive fees and issue licenses to active duty U.S. military personnel who are within 6 months of an honorable discharge; and issue temporary licenses to military spouses, in health care professions that do not require licenses in other states. The applicant must provide evidence of military training or experience substantially equivalent to that required in Florida, and obtain a passing score on a national standards organization exam, if one is required. The bill also eliminates the requirement for a military spouse who has been issued a temporary dental license to practice under the indirect supervision of a Florida dentist.

The bill requires the Construction Industry and Electrical Contractor's Licensing Boards and the Department of Agriculture and Consumer Services (DACS), to provide methods for honorably discharged veterans to satisfy the licensure requirements for a specific contractor's license or for licenses as private investigators, private security officers, and recovery agents, respectively, by receiving credit for their substantially similar military training and education. The boards and the DACS are to identify overlaps and gaps, between the licensure requirements and the veteran's military training and education in their respective areas of jurisdiction. They are to assist in identifying training programs to fill those gaps. The Department of Business and Professional Regulation (DBPR), in conjunction with the boards, and the DACS are to provide an annual report to the Senate President, Speaker of the House of Representatives, and the Governor detailing the results of the boards' efforts and recommendations for improvement and the DACS efforts and recommendations for improvement.

SB 1504 requires the Department of Highway Safety and Motor Vehicles, and the Department of Military Affairs, to create a commercial drivers' license testing pilot program to provide testing opportunities to qualified members of the North Florida National Guard.

II. Present Situation:

Health Care Practitioner Licensure

The DOH is responsible for the regulation of health practitioners and health care facilities in Florida for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA), working in conjunction with 22 boards and six councils, licenses and regulates seven types of health care facilities, and more than 200 license types, in over 40 health care professions.¹ Any person desiring to be a licensed health care professional in Florida must apply to the DOH, MQA in writing.² Most health care professions are regulated by a board or council in conjunction with the DOH and all professions have different requirements for initial licensure and licensure renewal.³

Military Health Care Practitioners

Section 456.024, F.S., provides that any member of the U.S. Armed Forces who has served on active duty in the military, reserves, National Guard, or in the United States Public Health Service, as a health care practitioner, is also eligible for licensure in Florida. The DOH is required to waive fees and issue these individuals a license if they submit a completed application and proof of the following:

- A honorable discharge within six months before or after, the date of submission of the application;⁴
- An active, unencumbered license issued by another state, the District of Columbia, or a U.S. possession or territory, with no disciplinary action taken against it in the five years preceding the date of submission of the application;
- An Affidavit 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 United States Department of Defense for reasons related to the practice of the profession for which he or she is applying;
- Documentation of actively practicing his or her profession for the three years preceding the date of submission of the application; and
- A completed fingerprint card for a background screening, if required for the profession for which he or she is applying.⁵

Florida offers an expedited licensure process to facilitate veterans seeking licensure in a health care profession in Florida through its Veterans Application for Licensure Online Response System (VALOR).⁶ In order to qualify, a veteran must apply for the license within six months

¹ Florida Dep't of Health, Medical Quality Assurance, *Annual Report and Long Range Plan, 2014-2015*, p.6, available at http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1415.pdf

² Section 456.013, F.S.

³ See chs. 401, 456-468, 478, 480, 483, 484, 486, 490, and 491, F.S.

⁴ A form DD-214 or an NGB-22 is required as proof of honorable discharge. Department of Health, *Veterans*, <http://www.floridahealth.gov/licensing-and-regulation/armed-forces/veterans/index.html> (last visited Dec. 15, 2015).

⁵ *Id.* The Military Veteran Fee Waiver Request Form, also must be submitted with the application for licensure to receive waiver of fees and is available on the DOH website.

⁶ Florida Dep't of Health, *Veterans*, <http://www.floridahealth.gov/licensing-and-regulation/armed-forces/veterans/index.html>, (last visited Dec. 15, 2015).

before, or six months after, he or she is honorably discharged from the Armed Forces; and there is no application fee, licensure fee, or unlicensed activity fee.⁷

A board, or the department if there is no board, may also issue a temporary health care professional license to the spouse of an active duty member of the Armed Forces upon submission of an application form and fees. The applicant must hold a valid license for the profession issued by another state, the District of Columbia, or a possession or territory of the United States and may not be the subject of any disciplinary proceeding in any jurisdiction relating to the practice of a regulated health care profession in Florida. A spouse who is issued a temporary professional license to practice as a dentist under this authority must practice under the indirect supervision of a Florida dentist.

Construction and Electrical Contractors

The DBPR is the agency charged with licensing and regulating various businesses and professionals in the state. The Division of Professions is responsible for the licensing 415,000 professions including construction contractors,⁸ electrical contractors and alarm system contractors. The Construction Industry Licensing Board licenses and regulates the construction industry and the Electrical Contractor's Licensing Board licenses and regulates alarm system and electrical contractors. Licenses for these professions may be either Certified or Registered Licenses. Certified licenses are statewide and allow the contractor to work anywhere in Florida. Registered licenses are limited to certain local jurisdictions and only allow a contractor to work in the cities or counties where the contractor holds a certificate of competency.⁹

Section 489.111(2)(c), F.S., provides the experience and education requirements for all construction contractor applicants, without exception for military veterans. These requirements include four years of experience in the category applied for, with one year as a supervisor. Applicants may apply up to three years of college credit toward the experience requirements. The Construction Industry Licensing Board reviews applicant experience when necessary to determine if the experience is within the category applied for.

Section 489.511(1)(b)3.c., F.S., provides that an applicant for an electrical or alarm system contractor license may use technical experience in electrical or alarm system work with the military or a governmental entity to meet the minimum six year experience requirement.

Section 489.511(1)(b)3.e., F.S., provides for technical education to be used in conjunction with experience to meet the six year experience requirements, and technical training received in the military is acceptable under this provision. The Electrical Contractors' Licensing Board reviews all applications to determine if the required training and experience has been met.

⁷ *Id.*

⁸ Section 489.105, F.S., divides contractors into Division I and Division II contractors. Division I contractors include general, building, and residential contractors. Division II contractors include sheet metal, roofing, 3 classes of air conditioning, mechanical, commercial and residential pool, 3 types of pool, plumbing, underground excavating, solar, pollutant storage, and specialty contractors.

⁹ Florida Dep't of Business and Professional Regulation, Construction Industry Licensing Board, *Definition of Occupation and Class Codes*, available at: <http://www.myfloridalicense.com/DBPR/pro/cilb/codes.html>, (last visited Jan. 21, 2016).

Ex-Military Construction and Electrical Contractors

Section 455.213, F.S., requires the DBPR to waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably discharged military veteran, or his or her spouse at the time of discharge, if he or she applies for a license within five years after discharge.

Section 455.02, F.S., provides that any member of the military on active duty in the military, who at the time he or she became active was in good standing with any DBPR administrative board,¹⁰ he or she will be kept in good standing, without registering, paying fees or dues, or performing any act required for continued licensure, as long as the service member remains on active duty and does not engage in his or her profession in the private sector for profit.

Section 455.02, F.S., also provides that the DBPR may issue a temporary license to the spouse of an active duty member of the military if the spouse provides the following:

- Application fee;
- Proof of his or her marriage to an active duty military member;
- Proof of a valid professional license in another state, the District of Columbia, any U.S. possession or territory, or any foreign jurisdiction;
- Proof of active duty military orders that the applicant and his or her spouse are both assigned to duty in Florida; and
- A complete set of the applicant's fingerprints to be submitted to the Department of Law Enforcement and the Federal Bureau of Investigation for state and federal criminal background check, at the applicant's expense.

The temporary license expires six months after the date of issuance and is not renewable.

Licensing of Private Investigators, Private Security Officers and Recovery Agents

Private investigators, private security officers, and recovery agents are regulated by the DACS under, ch. 493, F.S., and Rule 5N-1, Florida Administrative Code (F.A.C.), which sets out the requirements for a person or business to obtain and renew the various types of licenses. In 2015, the DACS, Division of Licensing, regulated 26 different licenses under ch. 493, F.S.: six private investigator, seven private security officer, seven recovery agent, and six firearm; for a total of 1,668,339 licensees in Florida.¹¹

Section 493.6106, F.S., provides that applicants for licenses as a private investigator, security officer or recovery agent must:

- Be 18 years of age;
- A U.S. citizen, legal resident or have authority to work by the U.S. Citizenship and Immigration Services (USCIS);

¹⁰ See s. 20,165(4)(a), F.S., for a complete list of a complete list of all boards and programs established within the Division of Professions.

¹¹ Florida DACS, Division of Licensing, *Number of Licensees by Type As of December 31, 2015*, available at http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf, (last visited Jan. 22, 2016).

- Have no disqualifying criminal history;
- Be of good moral character; and
- Have no history of incompetency, mental illness, or history of use of illegal drugs or alcoholism, unless evidence is presented showing successful completion of a rehabilitation program, or current mental competency, as appropriate.

Those applicants must provide to the DACS, among other things, an application with the following:

- Name;
- Date of birth;
- Social Security number;¹²
- Place of Birth;
- A statement of all criminal convictions, including dispositions, and adjudications withheld;
- A statement of whether he or she has been adjudicated incapacitated or committed to a mental institution;
- A statement regarding any history of illegal drug use or alcohol abuse;
- One full-face, color photograph; and
- A full set of prints on the division's fingerprint card or submitted electronically via a personal inquiry waiver and the appropriate fees.¹³

The DACS currently requires returning veterans and their spouses to pay application fees, fingerprint fees, and all other applicable fees when applying for licenses under ch. 493, F.S., as private investigators, security officers or recovery agents.

Commercial Drivers' License Examination Process

The Florida Department of Highway Safety and Motor Vehicles (DHSMV) administers all driving tests. All applicants for a commercial driver license are required to have an Operator's License and pass the vision and hearing tests. Applicants must be at least 18 years of age. If they are under 21, they will be restricted to intrastate operation only. Oral exams may be given in English or Spanish with the exception of skills test or Hazmat exams. Interpreters may not be used.¹⁴

¹² The DACS will not disclose an applicant's social security number without consent of the applicant to anyone outside the DACS unless required by law. See Chapter 119, F. S., 15 U.S.C., ss. 1681 et seq., 15 U.S.C. ss. 6801 et seq., 18 U.S.C. ss. 2721 et seq., Pub. L. No. 107-56 (USA Patriot Act of 2001), and Presidential Executive Order 13224.

¹³ See also Fla. Dept. of Agriculture and Consumer Affairs, *Private Investigator Handbook*, p. 11, available at https://licensing.freshfromflorida.com/forms/P-00093_PrivateInvestigatorHandbook.pdf; *Security Officer Handbook*, p. 16, available at https://licensing.freshfromflorida.com/forms/P-00092_SecurityOfficerHandbook.pdf; *Recovery Agent Handbook*, at p. 9, https://licensing.freshfromflorida.com/forms/P-00094_RecoveryAgentHandbook.pdf, (last visited Jan. 22, 2016).

¹⁴ Florida Dep't of Highway Safety and Motor Vehicles, *How do I obtain my Commercial Driver License (CDL)?*, available at <http://www.flhsmv.gov/ddl/cdl.html>, (last visited Jan. 22, 2016).

There are three types of CDL licenses in Florida: Class A, Class B, and Class C. Which license is required is dependent upon the weight and type of the vehicle to be operated, and the materials being transported.¹⁵

Active duty military or veterans requesting to be issued a CDL due to qualifications of experience while serving on military duty must:

- Pass all required knowledge¹⁶ and endorsement exams for the CDL license class and endorsements they are applying to obtain; and
- Present the Certification for Waiver of Skill Test for Military Personnel form completed by their commanding officer or designee while on active duty or within 90 days of separation from service.¹⁷

Military are only exempt from taking the skills exams. The process must be completed, and the CDL issued, within 120 days of separation from service. The Certification for Waiver of Skill Test form for Military Personnel can be provided to the candidate.¹⁸

The portion of the examination which tests an applicant's safe driving ability is to be administered by the DHSMV or by an entity authorized by the DHSMV to administer such examination, pursuant to s. 322.56, F.S. Such examination is to be administered at a location approved by the DHSMV. A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e), F.S., if the person has not taken and passed the hazardous-materials test within two years preceding his or her application for a commercial driver license in this state.¹⁹

Effect of Proposed Changes:

Initial Licensure Requirements

Military Health Care Practitioners²⁰

SB 1504 amends s. 456.024, F.S., to authorize the DOH to waive fees²¹ and issue health care licenses to active duty U.S. military personnel who apply either six months before, or six months after, an honorable discharge, in professions that do not require licensure in other states,²² if the applicant can provide evidence of training or experience equivalent to that required in Florida,

¹⁵ Florida Dep't of Highway Safety and Motor Vehicles, "How do I obtain my Commercial Driver License (CDL)?" available at: <http://www.flhsmv.gov/ddl/cdl.html>, (last visited Jan. 22, 2016).

¹⁶ See s. 322.12(4), F.S.

¹⁷ See supra note 15.

¹⁸ See supra note 15.

¹⁹ See supra note 16.

²⁰ See section 1 of the bill.

²¹ Section 456.013(13), F.S., currently require the DOH to wave the *initial* licensing application and unlicensed activity fees for a military veteran and his or her spouse at the time of discharge if he or she applies to the DOH for an initial license within 60 days of the veteran's honorable discharge from any branch of the U.S. Armed Forces. The applicant must provide supporting documentation required by the DOH and use the DOH prescribed form.

²² Professions not licensed in all states: Respiratory therapists (and assistants), Clinical Laboratory Personnel, Medical Physicists, Opticians, Athletics trainers, Electrologists, Nursing home administrators, Midwives, Orthotists (and assistants), Prosthetists (and assistants), Pedorthotists (and assistants), Orthotic fitters (and assistants), Certified chiropractic physician assistants, Pharmacy Technicians.

and proof of a passing score on a national standards organization exam, if one is required in Florida.

The DOH may also issue temporary licenses to active duty military spouses, in professions that do not require licensure in other states,²³ if the applicant can provide evidence of training or experience equivalent to that required in Florida, and proof of a passing score on a national standards organization exam, if one is required in Florida.²⁴

The bill also eliminates the requirement that a military spouse who has been issued a temporary dental license practice under the indirect supervision of a Florida dentist.

Ex-Military Construction and Electrical Contractors

SB 1504 creates ss. 489.1131 and 489.5161, F.S., and requires the Construction Industry Licensing Board and Electrical Contractor's Licensing Board, to provide methods for honorably discharged veterans to satisfy the licensure requirements for a specific contractor's license by receiving credit to the fullest extent possible towards their licensing requirements for their substantially similar military training and education. The boards are to identify the overlaps, and the gaps, between the licensure requirements and the veteran's military training and education. They are to assist in identify training programs to fill those gaps.

Beginning October 1, 2017, the DBPR, in conjunction with the boards, is to provide an annual report titled, "Construction and Electrical Contracting Veteran Application Statistics", to the Senate President, Speaker of the House of Representatives, and the Governor detailing the following for both ss. 489.1131, and 489.5161, F.S.:

- The number of applicants who identified themselves as veterans;
- The number of veterans whose application for a license was approved;
- The number of veterans whose application for a license was denied, including the reasons for denial;
- Data on the application processing times for veterans;
- The boards' efforts to assist veterans in identifying programs that offer training and education needed to meet the requirements for licensure;
- The boards' identification of the most common overlaps and gaps between requirements for licensure and the military training and education received and completed by the veteran applicants; and
- Recommendations on ways to improve the DBPR's ability to meet the needs of veterans which would effectively address the challenges that veterans face when separating from military service and seeking a license regulated by the department pursuant to ch. 489, part I and part II, F.S.

Ex-Military Private Investigators, Private Security Officers and Recovery Agents

SB 1504 creates s. 493.61035, F.S., and requires the DACS to provide a method for honorably discharged veterans to satisfy the licensure requirements for licenses as private investigators, private security officers, and recovery agents by receiving credit to the fullest extent possible

²³ *Id.*

²⁴ *Supra* note 21.

toward the requirements for licensure for their substantially similar military training and education. The DACS is to identify the overlaps, and the gaps, between the license requirements and the veteran's military training and education. The DACS is to assist in identify training programs to fill the gaps.

Beginning October 1, 2017, the DACS is to provide an annual report to the Senate President, Speaker of the House of Representatives, and the Governor detailing the following for s. 493.61035, F.S.:

- The number of applicants who identified themselves as veterans;
- The number of veterans whose application for a license was approved;
- The number of veterans whose application for a license was denied, including the reasons for denial;
- Data on the application processing times for veterans;
- The DACS's efforts to assist veterans in identifying programs that offer training and education needed to meet the requirements for licensure;
- The DACS's identification of the most common overlaps and gaps between requirements for licensure and the military training and education received and completed by the veteran applicants; and
- Recommendations on ways to improve the DACS's ability to meet the needs of veterans which would effectively address the challenges that veterans face when separating from military service and seeking a license regulated by the department pursuant to ch. 493, F.S.

Commercial Drivers' License Testing Piolet Program for North Florida National Guard

SB 1504 requires the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Military Affairs, beginning July 1, 2017, to jointly conduct a pilot program to provide onsite commercial driver license testing opportunities to qualified members of the Florida National Guard pursuant to the DHSMV commercial driver license skills test waiver under s. 322.12, F.S, described previously.²⁵ Testing must be held at a Florida National Guard Armory, an Armed Forces Reserve Center, or the Camp Blanding Joint Training Center. The pilot program shall be accomplished using existing funds appropriated to the departments.

The DHSMV and the Department of Military Affairs shall submit, by June 30, 2018, a report on the pilot program to the President of the Senate and the Speaker of the House of Representatives.

The bill has an effective date of July 1, 2016.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁵ See supra note 15.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

IV. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill may increase the number of veterans and their spouses receiving health care licenses; and increase the number of veterans receiving contractor, private investigator, private security, and recovery agent licenses.

C. Government Sector Impact:

Rulemaking would be required by the DOH, DBPR and DACS to develop veteran specific application processes and define what military education and training is substantially similar to current license requirements. Tracking mechanisms would need to be put in place for veterans' applications, approvals, denials, and the reasons for the denials. There would also be costs associated with preparing the annual reports required by the DBPR, and DACS. There will be no additional costs to the DHSMV and the Department of Military Affairs as their funding is to come from existing funds.

V. Technical Deficiencies:

None.

VI. Related Issues:

Not all professions have national standards examinations. An amendment may be advisable to recognize that some professions use regional standards examinations.

VII. Statutes Affected:

This bill substantially amends section 456.024 of the Florida Statutes,

This bill creates the following sections of the Florida Statutes: 489.1131, 489.5161, and 493.61035, F.S.

This bill creates an undesignated section of Florida law.

VIII. 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.

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