

**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 Appropriations

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BILL: PCS/SB 1884 (259984)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Broxson

SUBJECT: Military and Veterans Affairs

DATE: February 21, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	<u>Favorable</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>Hrdlicka</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1884 eases professional licensing fees and requirements for certain military members, veterans, and their spouses, including:

- For boards of examiners or other qualification boards regulated under general law, permitting a servicemember within 6 months after his or her release from active duty to request that the board 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 work or training to be substantially the same as the standard and type required under Florida law.
- 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 licensees and associated persons registrants, creating an initial licensing/registration and renewal fee waiver.
- For the Department of Financial Services professional licensees, expanding initial licensure fee waivers.

- For the Department of Financial Services firefighter certificates, extends renewal periods and provides for waiver of all living and incidental expenses, excluding expenses for meal plans and bunker gear rentals, associated with attending the Florida State Fire College to obtain a Certificate of Compliance or a Firesafety Inspector I certification.
- For the Department of Education (DOE) licensees, creating certain initial fee waivers, granting a temporary certificate in education, and establishing a pathway for veteran officers for certification as school principals.

The bill allows members of the Veterans Florida board of directors to serve two four-year terms and makes changes to Veterans Florida's training grant program and entrepreneurship program.

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 fiscal impact to state revenues and expenditures is indeterminate because it is unknown how many individuals will take advantage of the provisions of the bill. For the Department of Business and Professional Regulation, the Department of Financial Services (including the State Fire Marshal), and the Department of Education the impacts of the bill are indeterminate. The Department of Health only stated that it would incur costs to update its rules, but those could be absorbed within existing resources. The Department of Agriculture and Consumer Services expects reductions of \$206,568 in Fiscal Year 2018-2019, \$216,896 in Fiscal Year 2019-2020, and \$227,741 in Fiscal Year 2020-2021. The Office of Financial Regulation expects a reduction of \$412,030 annually.

The bill takes effect July 1, 2018.

## **II. Present Situation:**

For ease of reference, the Present Situation for each section of the bill 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 that 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** 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, a servicemember must request the application of these provisions within 6 months after his or her release from active duty with the Florida National Guard or the U.S. Armed Forces.

#### Veterans Florida

##### *Present Situation*

Veterans Florida<sup>2</sup> is a non-profit corporation established within the Florida Department of Veterans' Affairs to promote Florida as a veteran-friendly state, encourage retired and recently separated military personnel to keep or make Florida their permanent residence, help equip veterans for employment opportunities, and promote the hiring of veterans.<sup>3</sup>

Veterans Florida is governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives each appoint three members to the board. In making appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives must consider representation of military-related persons.<sup>4</sup> Each member of the board is appointed for a term of 4 years. Currently, a member is ineligible for reappointment to the board except that a member appointed to a term of 2 years or less may be reappointed for an additional term of 4 years.<sup>5</sup>

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

<sup>2</sup> In 2015, the Florida is For Veterans, Inc., Board of Directors approved the fictitious name "Veterans Florida."

<sup>3</sup> Section 295.21, F.S.

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

<sup>5</sup> Section 295.21(4)(c), F.S.

Veterans Florida is responsible for administering the Veterans Employment and Training Services (VETS) program, a program established by the Legislature to help veterans meet their professional goals and receive the training or education necessary to meet those goals.<sup>6</sup> The VETS program consists of two main components – a grant program for businesses to train veterans to meet a business’s workforce-skill needs and a veteran-specific entrepreneurship initiative program.

#### Veterans Training Grant Program

Veterans Florida’s training grant program provides funding for specialized training specific to a particular business seeking to hire veterans.<sup>7</sup> Grant funds may be allocated to any training provider selected by the business, including a career center, a Florida College System institution, a state university, or an in-house training provider of the business. If grant funds are used to provide a technical certificate, licensure, or degree, funds may be allocated only upon a review that includes documentation of accreditation and licensure. Instruction funded through the program terminates when participants demonstrate competence at the level specified in the request, but may not exceed 48 months.<sup>8</sup>

Grants are limited to \$8,000 per veteran trainee. Eligible costs and expenditures include:<sup>9</sup>

- Tuition and fees;
- Curriculum development;
- Books and classroom materials;
- Rental fees for facilities at public colleges and universities, including virtual training labs; and
- Overhead or indirect costs not to exceed 5 percent of the grant amount.

Before funds are allocated for a grant, Veterans Florida must prepare a grant agreement that, at a minimum, includes:<sup>10</sup>

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

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<sup>6</sup> Section 295.22, F.S.

<sup>7</sup> Section 295.22(3)(d), F.S.

<sup>8</sup> Section. 295.22(3)(d)1., F.S.

<sup>9</sup> Section 295.22(3)(d)2., F.S.

<sup>10</sup> Section 295.22(3)(d)3., F.S.

### Veterans Entrepreneurship Initiative Program

Veterans Florida's entrepreneur initiative program seeks to connect business leaders in the state with veterans seeking to become entrepreneurs.<sup>11</sup> Veterans Florida is required to contract with one more public or private universities to administer the program. An eligible university must:

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

Each university participant must provide performance metrics, including a focus on employment and business creation, and must coordinate with any entrepreneurship center located at the university. The entrepreneurship program may include activities and assistance such as peer-to-peer learning sessions, mentoring, technical assistance, business roundtables, networking opportunities, support of student organizations, speaker series, or other tools within a virtual environment.<sup>12</sup>

### Effect of Proposed Changes

**Section 2** amends s. 295.21, F.S., to allow a member of the Veterans Florida board of directors to be reappointed to the board and serve two terms of four years.

**Section 3** amends s. 295.22, F.S., to alter the requirements of Veterans Florida's training grant program and entrepreneur initiative program.

Pertaining to the training grant program, the bill specifies that the program is for businesses seeking to hire, *promote, or generally improve specialized skills of* veterans. Instead of providing grant funds directly to a training provider selected by the business, the bill requires a business receiving a grant to train a permanent, full-time employee to cover the entire cost of training before receiving a 50 percent reimbursement of the training costs. The bill makes conforming amendments to the statute related to this change, including requiring a business to describe the instructional program and any related vendors to be used in training in their contract with Veterans Florida; and removing curriculum and overhead costs from eligibility for reimbursement. The bill further amends the training grant program to reduce the maximum time the training program may last from 48 to 12 months.

Pertaining to the entrepreneurship initiative program, the bill expands the program to allow Veterans Florida to contract not only with universities, but with any entity that meets the specified requirements to administer an entrepreneurship program. The bill makes conforming amendments to the statute related to this change, including requiring an administering entity to have demonstrated experience working with veteran entrepreneurs and be recognized for its ability to help Florida entrepreneurs launch successful businesses.

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<sup>11</sup> Section 295.22(3)(e), F.S.

<sup>12</sup> Section 295.22(3)2., F.S.

## 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>13</sup>

The 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>14</sup>

The 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>15</sup> A licensee who wishes to renew his or her license must pay a license renewal fee<sup>16</sup> and may be subject to continuing education requirements<sup>17</sup> and other conditions in the various practice acts.

### Fee Waivers for Military Members and Certain Spouses

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

- A member, including a veteran, of the U.S. Armed Forces who has served on active duty;
- The spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty;

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<sup>13</sup> Section 20.165, F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 455.201, F.S.

<sup>16</sup> Section 455.203, F.S.

<sup>17</sup> Section 455.2123, F.S.

- The surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty;<sup>18</sup>
- Any honorably discharged military veteran for 60 months post discharge; or
- A spouse of such a veteran for 60 months post discharge.<sup>19</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>20</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 his or her profession in the private sector for profit in order to keep his or her license in good standing.<sup>21</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 6** 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>18</sup> Section 455.219(7)(a), F.S.

<sup>19</sup> Section 455.213(12), F.S.

<sup>20</sup> Section 455.02(1), F.S.

<sup>21</sup> Section 455.02(2), 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>22</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>23</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>24</sup> with the U.S. Armed Forces<sup>25</sup> who holds an active license to practice a health care profession in another state or jurisdiction.<sup>26</sup> To qualify for expedited licensure and fee waivers, the military spouse must:<sup>27</sup>

- Submit a complete application;<sup>28</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 application, 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.

<sup>22</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>23</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 Feb. 9, 2018).

<sup>24</sup> Full-time duty in the active military service of the United States. 10 U.S.C. 101(d)(1).

<sup>25</sup> Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. 101(a)(4).

<sup>26</sup> Section 456.024(3), F.S. The application fee, licensure fee, and unlicensed activity fee is waived for such applicants.

<sup>27</sup> Section 456.024(3)(b), F.S.

<sup>28</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 the DOH website, available at <http://www.flhealthsource.gov/valor> (last visited Jan. 31, 2018).



The regulatory boards (or the DOH if there is no board) are also authorized to issue a temporary license to the spouse of a member of the U.S. Armed Forces to practice his or her health care profession in Florida.<sup>29</sup> A temporary license is valid for one year and is not renewable.<sup>30</sup> To be eligible for a temporary license, a military spouse must:<sup>31</sup>

- Submit a completed application and application fee;<sup>32</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>33</sup> of a dentist who holds an active license to practice in this state.<sup>34</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>35</sup> Licensure is available by examination or, in many instances, by endorsement if the practitioner is licensed in another jurisdiction.

An individual practicing, attempting to practice or offering to practice, a health care profession without an active, valid Florida license is subject to criminal, administrative, and civil penalties.<sup>36</sup> The 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>37</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>38</sup>

Each state enacts laws to determine who may engage in a particular profession within that state, including minimum requirements for practicing an occupation, as well as whether a license is required. 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

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<sup>29</sup> Section 456.024(4), F.S.

<sup>30</sup> Section 456.024(4)(f), F.S.

<sup>31</sup> Section 456.024(4)(a)-(d), F.S.

<sup>32</sup> Pursuant to Rule 64B-4.007, F.A.C., the application fee is \$65.

<sup>33</sup> Section 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>34</sup> Section 456.024(4)(j), F.S.

<sup>35</sup> Section 456.065(1), F.S.

<sup>36</sup> Section 456.065, F.S.

<sup>37</sup> Section 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>38</sup> Section 456.065(2)(c), F.S.

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

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

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

## **Department of 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>39</sup>

The 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.);

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<sup>39</sup> Section 20.14(2), 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.).

The DACS licenses and regulates each of the above professionals in accordance with that profession's practice act. Generally, applicants 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>40</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. 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 his or her active duty and for two years thereafter.<sup>41</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 his or her license in good standing.<sup>42</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.

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<sup>40</sup> Section 472.015, 493.6105, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S.

<sup>41</sup> Section 472.016(1), F.S.

<sup>42</sup> Section 472.016(2), F.S.

***Effect of Proposed Changes:***

**Sections 8, 10, 11, 30-32, 34, 36-39** amend ss. 472.015, 493.6105, 493.6107, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S., respectively, to expand the initial licensing or registration 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.

**Sections 9, 12, 30, 33, 34, 36-39** amend ss. 472.016, 493.6113, 501.015, 501.609, 507.03, 527.02, 539.001, 559.904, and 559.928, F.S., respectively, to grant 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 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.

In **Section 9**, amending s. 472.016, F.S., 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 2 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.

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

The bill removes the initial fee waiver time limitations.

**Office of Financial Regulation*****Present Situation:***

The Florida Office of Financial Regulation (OFR) regulates banks, credit unions, other financial institutions, finance companies, and the securities industry.<sup>43</sup>

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<sup>43</sup> Section 20.121(3)(a)2., F.S.

### Mortgage Loan Originators and Brokers

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

- Loan originator<sup>44</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>45</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>46</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>47</sup>

In order to obtain licensure as a mortgage loan originator under ch. 494, F.S., an individual must meet certain requirements, including paying a nonrefundable application fee of \$195 plus a \$20 nonrefundable fee for the Mortgage Guaranty Trust Fund.<sup>48</sup>

A mortgage loan originator license must be renewed annually by December 31.<sup>49</sup> As part of renewing 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>50</sup>

### Associated Persons

In ch. 517, the OFR regulates the offer and sale of securities in, to, or from Florida by firms, branch offices, and individuals affiliated with these firms. “Associated persons” are required to be registered with the OFR 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>51</sup> Associated persons include:<sup>52</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.

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<sup>44</sup> Section 494.001(17), F.S.

<sup>45</sup> Section 494.001(22), F.S.

<sup>46</sup> Section 494.001(23), F.S.

<sup>47</sup> Section 494.0073, F.S.

<sup>48</sup> Section 494.00312, F.S.

<sup>49</sup> Sections 494.00312(7) and 494.00313(3), F.S.

<sup>50</sup> Section 494.00313(1)(a) and (b), F.S.

<sup>51</sup> Section 517.12(1), F.S.

<sup>52</sup> Section 517.021(2)(a), F.S.

- 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.
- 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 meet certain requirements, including paying an assessment fee of \$50.<sup>53</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. A registration renewal is subject to a \$50 assessment fee.<sup>54</sup>

***Effect of Proposed Changes:***

**Sections 13 and 35** amend ss. 494.00312 and 517.12, F.S., respectively, to require the OFR to waive the \$195 initial application fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator and the \$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 14 and 35** amend 494.00313 and 517.12, F.S., respectively, to require the OFR to waive the \$150 renewal fee and \$20 fee for the Mortgage Guaranty Trust Fund for a mortgage loan originator and the \$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 2 years preceding the expiration date of the license. A former servicemember who served on active duty within the 2 years preceding the expiration date of the license/registration 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 2 years preceding the surviving spouse's license/registration expiration date.

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

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<sup>53</sup> Section 517.12(10), F.S.

<sup>54</sup> Section 517.12(11), F.S.

## 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>55</sup> There are a number of allowances in statute for veterans and their spouses regarding many types of insurance licenses, but not for licenses for bail bonds, fire safety, and funeral and cemetery services.

The existing allowances administered by DFS are:

- Waiver of application fees<sup>56</sup> – Application fees are waived for applicants seeking licensure as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary for military members and their spouses and recent military retirees (within 24 months of retirement).
- Temporary licensure<sup>57</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>58</sup> – Reexamination of the agent is required if they have not received an appointment within 48 months of licensure. The 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 his or her licensure date).
- Relief from continuing education requirements<sup>59</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 the DFS.
- Licensing and appointment of a non-resident<sup>60</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 U.S. military installation located in a foreign country.
- Reappointment after military service<sup>61</sup> – The DFS may, without requiring a further written examination, issue an appointment as an adjuster to a formerly licensed and appointed adjuster of this state who held a current adjuster's appointment at the time of entering service in the U.S. Armed Forces, subject to certain conditions (limited to circumstances where the veteran's service did not exceed 3 years, the application and fee is filed within 12 months of honorable discharge, and the new appointment is of the same type and class).

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<sup>55</sup> Chapters 497 (funeral and cemetery), 626 (insurance), 633 (fire), and 648 (bail bonds), F.S.

<sup>56</sup> Section 626.171(6), F.S.

<sup>57</sup> Section 626.175(1)(b) and 626.9271(1), F.S.

<sup>58</sup> Section 626.181(2) and 626.8427(1)(b), F.S.

<sup>59</sup> Section 626.2815(2), F.S.

<sup>60</sup> Section 626.322, F.S.

<sup>61</sup> Section 626.871, F.S.

***Effect of Proposed Changes:*****Funeral and Cemetery Services**

**Sections 15-24 and 26-29** amend ss. 497.140, 497.141, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 497.453, 497.466, 497.554, and 497.602, F.S., respectively, to waive initial application fees,<sup>62</sup> provisional licensing fees, and temporary licensing fees, where applicable, including the \$5 per license special unlicensed activity fee paid with each license,<sup>63</sup> for members of the U.S. Armed Forces and their spouses and honorably discharged veterans (within 24 months of discharge) for licensure as:

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

**Section 25** creates s. 497.393, F.S., and **Section 29** amends s. 497.602, F.S., to require the Board of Funeral, Cemetery, and Consumer Services or the DFS Division of Funeral, Cemetery, and Consumer Services to recognize applicable military-issued credentials for purposes of licensure as an embalmer or funeral director or as a direct disposer.<sup>64</sup> The applicant must submit a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the licensing requirements. The board or the division may investigate such information. The board or the division must adopt rules specifying the forms and procedures for use by applicants under these sections.

**Insurance**

**Section 40** amends s. 626.171, F.S., to expand the application fee waiver for insurance profession licenses to include veterans who have “separated” from the military within 2 years before application. Currently, the waiver applies to veterans who “retired” within 2 years. The change will allow veterans who have less than 20 years of military service to receive the allowance.

**Sections 41-45** amend ss. 626.732, 626.7851, 626.8311, 626.8417, 626.927, F.S., respectively, to eliminate pre-licensure course requirements for insurance profession licenses for honorably discharged veterans and their spouses.<sup>65</sup>

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<sup>62</sup> Chapter 497, F.S., limits the amount of application fees. Such fees shall not exceed: \$200 for an embalmer, temporary embalmer, embalmer intern, embalmer apprentice, funeral director, temporary funeral director, funeral director intern, monument establishment sales agent; \$500 for a preneed sales and direct disposer; \$300 for a preneed sales agent; and \$250 for a burial rights broker.

<sup>63</sup> The fee is \$5 per license. s. 497.140, F.S.

<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. Army.com, *Military Occupational Specialties (MOS)*, available at <http://army.com/info/mos/all> (last visited Feb. 9, 2018).

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



### Fire Prevention and Control

**Section 46** amends s. 633.414, F.S., to allow the DFS to extend the 4-year period in which a certified firefighter must meet specified conditions to retain certification. The bill allows the DFS to extend the firefighter certification period of a veteran or a veteran's spouse to 12 months after the veteran's honorable discharge from the military.

**Section 47** amends s. 633.444, F.S., to waive all living and incidental expenses, excluding expenses for meal plans and bunker gear rentals, associated with attending the Florida State Fire College to obtain a Certificate of Compliance or a Firesafety Inspector I certification for:

- An active duty member of the U.S. Armed Forces;
- An honorably discharged veteran of the U.S. Armed Forces;
- The spouse or surviving spouse of an honorably discharged veteran of the U.S. Armed Forces; and
- 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 2 years preceding the surviving spouse's attendance at the college.

### **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;<sup>67</sup> and
- In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide.<sup>68</sup>

The law encourages the State Board of Education to “adopt standards and pursue assessment of the requirements” of s. 1003.42(2), F.S.

Each district school board is required to develop or adopt a curriculum for the character-development program and submit it to the Department of Education (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. The instruction related to veterans must 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.

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<sup>66</sup> Congressional Medal of Honor Foundation, *History*, available at <http://themedalofhonor.com/cmoh-foundation/history> (last visited Feb. 9, 2018).

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

<sup>68</sup> Section 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 48** 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 50** 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 veterans. The bill also amends the requirements for the instruction on veterans to include Medal of Honor Recipients; to occur on or before Medal of Honor Day; and encourage the use of the assistance of Medal of Honor recipients when practicable.

***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, 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 are considered 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 49** amends s. 1002.37, F.S., to give priority for enrollment to students who are children of military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida. This change allows such students to enroll in FLVS without paying tuition.

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<sup>69</sup> Congressional Medal of Honor Foundation, *Character Development*, <http://themedalofhonor.com/character-development> (last visited Feb. 9, 2018).

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

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

***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. 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>72</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>73</sup>

***Effect of Proposed Changes:***

**Section 51** amends s. 1012.55(4), F.S., to allow JROTC instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.

***Present Situation:*****Educational Leadership Certification**

The State Board of Education is required to establish certification requirements for all school-based personnel.<sup>74</sup> In Florida, aspiring school administrators<sup>75</sup> must complete a state-approved school leader preparation program and attain certification as an educational leader.<sup>76</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>77</sup>

There are two types of school leader preparation programs:<sup>78</sup>

- 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.

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<sup>72</sup> Section 1012.71 F.S.

<sup>73</sup> Sections 1012.71(1) and 1012.55(4), F.S.

<sup>74</sup> Section 1012.55(1)(b), F.S.

<sup>75</sup> School administrators include school principals, school directors, and assistant principals. *See* s. 1012.01(3)(c), F.S.

<sup>76</sup> *See* s. 1012.55(1)(b), F.S.

<sup>77</sup> *See* s. 1012.562, F.S.

<sup>78</sup> Section 1012.55, F.S.

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

- Hold an educational leadership certificate.<sup>79</sup>
- 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>80</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>81</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>82</sup>

***Effect of Proposed Changes:***

**Section 51** 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 3-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 educator certificate is required in a Florida school (public or nonpublic) that has a Level II program.

The bill also requires that a 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:***

**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 DOE.<sup>83</sup> Persons seeking employment at a public school as a school supervisor, school principal, teacher,

<sup>79</sup> Rule 6A-4.0083, F.A.C.

<sup>80</sup> Rule 6A-4.0083, F.A.C.

<sup>81</sup> Section 1012.55(1)(d), F.S. See Rule 6A-4.004(5), F.A.C.

<sup>82</sup> *Id.*

<sup>83</sup> Sections 1012.55(1) and 1002.33(12)(f), F.S.

library media specialist, school counselor, athletic coach, or in another instructional capacity must also be certified.<sup>84</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>85</sup>

The DOE issues a professional certificate and a temporary certificate. The professional certificate is Florida’s highest type of full-time educator certification and is valid for five years and is renewable.<sup>86</sup> The temporary certificate covers employment in full-time positions for which educator certification is required, is valid for three years, and is nonrenewable.<sup>87</sup>

A person seeking an educator certificate must meet certain requirements, submit an application to the DOE, and remit the required fee.<sup>88</sup>

An applicant seeking a professional certificate must:

- Meet the basic eligibility requirements for certification;<sup>89</sup>
- Demonstrate mastery of general knowledge;<sup>90</sup>
- Demonstrate mastery of subject area knowledge;<sup>91</sup> and
- Demonstrate mastery of professional preparation and education competence.<sup>92</sup>

A three-year nonrenewable temporary certificate<sup>93</sup> may be issued to an applicant who does not qualify for the professional certificate, but:

- Meets the basic eligibility requirements for certification;
- 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>94</sup> and
- Demonstrates mastery of subject area knowledge.

An educator who is employed under a temporary certificate must demonstrate mastery of general knowledge within one calendar year after employment in order to remain employed in a position that requires a certificate.<sup>95</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 2 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>96</sup>

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<sup>84</sup> Sections 1002.33(12)(f) (charter school teachers) and 1012.55(1), F.S.

<sup>85</sup> Section 1012.54, F.S.

<sup>86</sup> Section 1012.56(7)(a), F.S.

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

<sup>88</sup> Section 1012.56(1), F.S.

<sup>89</sup> Section 1012.56(2)(a)-(f), F.S.

<sup>90</sup> Section 1012.56(2)(g), F.S.

<sup>91</sup> Section 1012.56(2)(h), F.S.

<sup>92</sup> Section 1012.56(2)(i), F.S.

<sup>93</sup> Section 1012.56 (7)(b), F.S.

<sup>94</sup> Section 1012.56(1)(b), F.S.

<sup>95</sup> Section 1012.56(7), F.S.

<sup>96</sup> *Id.*

***Effect of Proposed Changes:***

**Section 52** amends s. 1012.56, F.S., to add military service of an applicant’s spouse as a circumstance for which the validity of a temporary certificate may be extended by the DOE, as adopted by State Board of Education by rule.

***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>97</sup> Fees for taking the Florida Teacher Certification Examination for the first time are as follows:<sup>98</sup>

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

It is a \$75 fee to apply for an initial educator certificate and for renewal of a professional certificate.<sup>99</sup>

***Effect of Proposed Changes:***

**Section 53** 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 initial 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;
- The spouse of a member of the U.S. Armed Forces or a reserve component thereof who is serving or has served on active duty;
- 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;
- 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 an honorably discharged veteran of the U.S. Armed Forces or a veteran of a reserve component thereof who served on active duty.

***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>100</sup>

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

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

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

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

An apprenticeship program is an organized course of instruction that is registered and approved by the DOE and must address all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices.<sup>101</sup> The length of an apprenticeship program varies from 1 to 5 years depending on the occupation's training requirements.

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>102</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>103</sup>

***Effect of Proposed Changes:***

**Section 4** amends s. 446.041, F.S., to require the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

**Section 5** amends s. 446.081, F.S., to specify 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 54** provides an effective date of July 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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

<sup>102</sup> Section 446.092, F.S.

<sup>103</sup> Section 446.092(6), F.S.

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. The impact will depend on the number of individuals who take advantage of the new fee waivers.

B. Private Sector Impact:

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

Pre-licensing education providers may experience a decrease in revenues.

Children of military personnel not stationed in Florida whose home of record or state of legal residence certificate is Florida will be eligible and given priority for FLVS.

Veterans Florida may contract with private entities to administer the veterans' entrepreneurship initiative program. For the training grant program, businesses will be reimbursed for 50 percent of the costs of the training.

C. Government Sector Impact:

The DOH expects to incur non-recurring costs for rulemaking, but the costs can be absorbed within the current budget authority.<sup>104</sup>

The DBPR indicated that a fiscal impact to license revenues is indeterminate at this time, but noted that there are currently 440 licensees under DBPR that are identified as military personnel. Additionally, the modifications necessary to update DBPR's information technology systems can be made within existing resources (196 hours).<sup>105</sup>

The DACS expects reductions of \$206,568 in Fiscal Year 2018-2019, \$216,896 in Fiscal Year 2019-2020, and \$227,741 in Fiscal Year 2020-2021, as a result of the fee waivers authorized in the bill.<sup>106</sup>

The OFR expects a reduction of \$412,030 annually in licensing/registration fees as a result of the fee waivers established in the bill.<sup>107</sup> In addition, the OFR states that it will

<sup>104</sup> DOH, *2018 Agency Legislative Bill Analysis: SB 1884* (Jan. 9, 2018).

<sup>105</sup> DBPR, *2018 Agency Legislative Bill Analysis: HB 29* (Jan. 18, 2018).

<sup>106</sup> DACS, *SB 1884 Agency Analysis* (Jan. 29, 2018).

<sup>107</sup> Email from staff of the OFR to staff of the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, *Re: SB 1884 Cost Information...* (Feb. 13, 2018).



need to manually receive, review, and process reimbursements of the fees waived in the bill. The OFR plans to use OPS as an interim solution to reviewing and processing refunds, and will monitor the actual number of refund requests received and request additional positions for the 2019 Regular Session.

The DFS expects an indeterminate reduction in revenues for the Division of Funeral, Cemetery, and Consumer Services related to the fee waivers, and an indeterminate increase in expenditures to administer the requirements of the bill. For the Division of State Fire Marshal, the DFS expects a significant but indeterminate reduction in revenues – the largest impact of which is the waiver of tuition, housing, and other costs for honorably discharged veterans and their spouses attending the State Fire College (estimated to be about \$8,244 per student, excluding expenses for meal plans and bunker gear).<sup>108</sup>

The DFS anticipates it will incur costs to update its computer systems (240 total hours). Other costs to implement and administer the provisions of the bill are indeterminate at this time.<sup>109</sup>

A fiscal impact from the DOE was not available as of the date of this analysis. The impacts of the bill are expected to be minimal; with the exception of the waiver of application and renewal fees – the impact of those provisions is indeterminate. Additionally, the Florida Teacher’s Classroom Supply Assistance program receives an annual appropriation which is provided proportionately to eligible teachers; expansion of eligibility only changes the amount each teacher may receive but does not increase the amount of funds appropriated to the program.

A DOE analysis for a similar bill expanding the FLVS program states that the administrative costs of the program would increase but were indeterminate.<sup>110</sup>

## **VI. Technical Deficiencies:**

None.

## **VII. Related Issues:**

Section 11 amends s. 493.6107, F.S., to waive the initial application fee for the surviving spouse of a member of the U.S. Armed Forces who served on active duty *who died within the 2 years preceding the application*. This is the only provision related to the initial application fee for a surviving spouse that contains this qualification.

The OFR states that the fees in connection with applying for or renewing loan originator licenses are paid via the Nationwide Mortgage Licensing System and Registry or the Central Registration

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<sup>108</sup> DFS, *SB 1884 Agency Analysis* (Jan. 18, 2018). Email from DFS staff to staff of the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security, *Re: 1884* (February 12, 2018).

<sup>109</sup> *Id.*

<sup>110</sup> DOE, *2018 Agency Legislative Bill Analysis: SB 1090* (Jan. 25, 2018).

Depository. Because these are not federal systems, the systems will likely not be able to accommodate the fee waivers provided in the bill.<sup>111</sup>

The bill requires the Board of Funeral, Cemetery, and Consumer Services or the DFS Division of Funeral, Cemetery, and Consumer Services to adopt rules specifying the forms and procedures for use by an applicant as an embalmer, funeral director, or direct disposer to submit a certification that the military-issued credential reflects knowledge, training, and experience substantially similar to the licensing requirements.

### VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 295.21, 295.22, 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, 497.281, 497.368, 497.369, 497.370, 497.371, 497.373, 497.374, 497.375, 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, 626.171, 626.732, 626.7851, 626.8311, 626.8417, 626.927, 633.414, 633.444, 1002.37, 1003.42, 1012.55, 1012.56, and 1012.59.

This bill creates the following sections of the Florida Statutes: 250.483, 497.393, and 683.147.

### IX. Additional Information:

#### A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

#### **Recommended CS by the Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 14, 2018:**

The committee substitute:

- Allows members of the Veterans Florida board of directors to serve two four-year terms.
- Makes changes to Veterans Florida’s training grant program and veteran entrepreneurship initiative program;
- Deletes provisions waiving fingerprinting requirements for certain veterans applying for funeral and cemetery, insurance, or fire safety-related licenses;
- Revises the waiver of prelicensure coursework requirements for insurance license applicants to include current members of the U.S. Armed Forces and their spouses;
- Removes the waiver of prelicensure coursework requirements in those instances where the coursework is the only knowledge acquisition/demonstration element prior to receiving an insurance license;
- Deletes the proposed extension of time prior to reexamination for two fire safety-related licenses for licensees eligible for an “inactive” status;
- Provides a method for a servicemember or veteran to certify their knowledge, training, and experience to gain credit in licensing for funeral directing, embalming, and direct disposing.

<sup>111</sup> OFR, 2018 Agency Legislative Bill Analysis: SB 1884 (Jan. 19, 2018).

- Clarifies provision relating to firefighter certification retention for veterans and their spouses;
- Clarifies the living and incidental fees that may be waived for servicemembers, veterans, and their spouses attending the Florida Fire College; and
- Removes the proposed waiver of teacher certification renewal fees.

**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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