

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCS for HB 139 Benefits, Training, and Employment for Veterans and Their Spouses

**SPONSOR(S):** Healthcare Regulation Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Healthcare Regulation Subcommittee		Speas	McElroy

### SUMMARY ANALYSIS

Florida is home to 21 military installations and over 69,000 military personnel. Florida also has the nation's third-largest veteran population with almost 1.5 million veterans. Many of these veterans are recently transitioned servicemembers.

The Department of Health (DOH), has general regulatory authority over health care practitioners. Veterans and their spouses who hold an active health care license in another state are eligible for expedited licensing and fee waivers. Currently, DOH does not have a dedicated office to assist veterans and their spouses applying for expedited licensing and fee waivers. Instead, veterans and their spouses must submit their applications to one of DOH's 22 regulatory boards, or DOH if there is no board.

The Florida Department of Veterans' Affairs (FDVA) is currently required to provide various benefits and services to veterans and their dependents. Current law does not require the FDVA to provide these benefits and services to the spouses of veterans.

Veterans Florida, a non-profit corporation within the FDVA, administers the Veterans Employment and Training Services Program to assist veterans in obtaining employment. Current law does not currently require Veterans Florida to provide these services to the spouses of veterans. Current law also does not require Veterans Florida to assist veterans or their spouses with access, training, education, or employment in health care professions.

PCS for HB 139 establishes the Office of Veteran Licensure Services (Office) which must provide information, guidance, direction and assistance with health care licensure processes for all veterans and their spouses. The bill also requires the Office to refer any veteran or spouse seeking training, education, or employment in health care professions to Veterans Florida.

The bill requires FDVA and Veterans Florida to provide spouses of veterans with all services and benefits currently provided to veterans. The bill requires Veterans Florida to assist veterans and their spouses with access, training, education, or employment in health care professions and to refer veterans and spouses seeking health care licensure to DOH.

The bill has a significant, negative fiscal impact on DOH. The bill has no fiscal impact on local governments. The bill provides an effective date of July 1, 2023.

### FULL ANALYSIS

#### I. SUBSTANTIVE ANALYSIS

##### A. EFFECT OF PROPOSED CHANGES:

##### Background

This document does not reflect the intent or official position of the bill sponsor or House of Representatives .

STORAGE NAME: pcs0139.HRS

DATE: 3/8/2023

Each year, about 250,000 servicemembers end military service as veterans and either reenter the civilian workforce or enroll in higher education.<sup>1</sup> Florida is home to 21 military installations<sup>2</sup> and 69,290 military personnel.<sup>3</sup> Florida also has the nation's third-largest veteran<sup>4</sup> population with almost 1.5 million veterans.<sup>5</sup> Many of these veterans are recently transitioned servicemembers.

## Florida Department of Health

### 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.<sup>6</sup> The MQA partners with 22 regulatory boards and four councils to license and regulate more than 200 license types and more than 40 health care professions.<sup>7</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. MQA is statutorily responsible for the following boards and professions established within the division:<sup>8</sup>

- The Board of Acupuncture, created under ch. 457, F.S.;
- The Board of Osteopathic Medicine, created under ch. 459, F.S.;
- The Board of Chiropractic Medicine, created under ch. 460, F.S.;
- The Board of Podiatric Medicine, created under ch. 461, F.S.;
- Naturopathy, as provided under ch. 462, F.S.;
- The Board of Optometry, created under ch. 463, F.S.;
- The Board of Nursing, created under part I of ch. 464, F.S.;
- Nursing assistants, as provided under part II of ch. 464, F.S.;
- The Board of Pharmacy, created under ch. 465, F.S.;
- The Board of Dentistry, created under ch. 466, F.S.;
- Midwifery, as provided under ch. 467, F.S.;
- The Board of Speech-Language Pathology and Audiology, created under part I of ch. 468, F.S.;
- The Board of Nursing Home Administrators, created under part II of ch. 468, F.S.;
- The Board of Occupational Therapy, created under part III of ch. 468, F.S.;
- Respiratory therapy, as provided under part V of ch. 468, F.S.;
- Dietetics and nutrition practice, as provided under part X of ch. 468, F.S.;
- The Board of Athletic Training, created under part XIII of ch. 468, F.S.;
- The Board of Orthotists and Prosthetists, created under part XIV of ch. 468, F.S.;
- Electrolysis, as provided under ch. 478, F.S.;
- The Board of Massage Therapy, created under ch. 480, F.S.;
- The Board of Clinical Laboratory Personnel, created under part III of ch. 483, F.S.;
- Medical physicists, as provided under part IV of ch. 483, F.S.;
- The Board of Opticianry, created under part I of ch. 484, F.S.;

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<sup>1</sup> U.S. Department of Veterans Affairs, *Your VA Transition Assistance Program (TAP)*, available at <https://www.benefits.va.gov/transition/tap.asp> (last visited Feb. 9, 2023).

<sup>2</sup> Enterprise Florida, *Defense & Homeland Security*, available at <https://www.enterpriseflorida.com/wp-content/uploads/defense-and-homeland-security-industry-profile.pdf> (last visited Feb. 9, 2023).

<sup>3</sup> Data from September 2021. Florida Military & Defense, *Economic Impact Summary (2022)*, 2, available at <https://www.enterpriseflorida.com/wp-content/uploads/Florida-2022-EIS-Summary-Book-Final.pdf> (last visited Feb. 9, 2023).

<sup>4</sup> S. 1.01(14), F.S., defines a "veteran" as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions, or who later received an upgraded discharge under honorable conditions. The definition in s. 1.01(14), F.S., is cited in numerous statutes, including ss. 117.02, 265.003, 292.055, 295.02, 295.07, 295.187, 295.188, 296.02, 296.08, 296.33, 296.36, 409.1664, 548.06, 943.17, and 1009.26, F.S.

<sup>5</sup> U.S. Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, *VetPop2020 by State, Age Group, Gender, 2020-2050*, available at [https://www.va.gov/vetdata/veteran\\_population.asp](https://www.va.gov/vetdata/veteran_population.asp) (last visited Feb. 9, 2023). The Veteran Population Projection Model 2020 (VetPop2020) provides the latest official veteran population projection from the U.S. Department of Veterans Affairs (VA).

<sup>6</sup> Health care practitioner means a health care practitioner as defined in s. 456.001, F.S., and a person licensed under part III of ch. 401, F.S., or part IV of ch. 468, F.S.

<sup>7</sup> Florida Department of Health (DOH), Division of Medical Quality Assurance (MQA), *Annual Report and Long-Range Plan, Fiscal Year 2020-2021*, p. 6, <https://mqawebteam.com/annualreports/2021/8/> (last visited Feb. 7, 2023).

<sup>8</sup> S. 456.001(4), F.S.; *Id.*

- The Board of Hearing Aid Specialists, created under part II of ch. 484, F.S.;
- The Board of Physical Therapy Practice, created under ch. 486, F.S.;
- The Board of Psychology, created under ch. 490, F.S.;
- School psychologists, as provided under ch. 490, F.S.;
- The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under ch. 491, F.S.; and
- Emergency medical technicians and paramedics, as provided under part III of ch. 401, F.S.

### *Military and Veteran Licensure*

Florida offers expedited licensing and fee waivers to a person who serves or has served as a health care practitioner in the U.S. Armed Forces, U.S. Reserve Forces, or the National Guard.<sup>9</sup> To qualify for expedited licensure and fee waivers, the person must have actively practiced the profession for which he or she is applying during the preceding 3 years and must:<sup>10</sup>

- Submit a complete application;
- Submit proof that he or she has received an honorable discharge within 6 months before, or will receive an honorable discharge within 6 months after, the date of submission of the application;
- Submit proof that he or she holds an active, unencumbered license issued by another state, the District of Columbia, or a possession or territory of the U.S. and who has not had disciplinary action taken against him or her in the 5 years preceding the date of submission of the application;
- Attest that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying; and
- Submit a set of fingerprints for a background screening, if required for the profession for which he or she is applying.

DOH is required to develop an application form,<sup>11</sup> and each board, or DOH if there is no board, is required to waive the application fee, licensure fee, and unlicensed activity fee for such applicants.<sup>12</sup> Only veterans who were licensed as health care practitioners while serving are eligible for the fee waiver.

### *Military Spouse Licensure*

It is estimated that 32,151 individuals residing in Florida are spouses of active duty members of the U.S. Armed Forces.<sup>13</sup> Each board, or DOH if there is no board, is also authorized to issue professional licenses to military spouses to practice his or her health care profession in Florida.<sup>14</sup> To be eligible, a military spouse must:<sup>15</sup>

- Submit a completed application;
- Provide proof that he or she is married to an active duty member of the U.S. Armed Forces assigned to a duty station in Florida 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

<sup>9</sup> This includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4).

<sup>10</sup> S. 456.024(3)(b), F.S.

<sup>11</sup> R. 64B-9.003, F.A.C.

<sup>12</sup> S. 456.024(3)(a), F.S.

<sup>13</sup> Correspondence from the Department of Military Affairs, dated Feb. 10, 2023, on file with the Healthcare Regulation Subcommittee.

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

<sup>15</sup> S. 456.024(4)(a)-(d), F.S.

- Pass a criminal background screening.

DOH must issue these licenses and do so within seven days after receipt of all required documentation. The board, or DOH if there is no board, is required to expedite all applications submitted by an active duty member's spouse. DOH must also waive the application fee.

### *Florida Veterans Application for Licensure Online Response System (VALOR)*

DOH operates the Florida Veterans Application for Licensure Online Response System (VALOR) to provide expedited health care professional licensing<sup>16</sup> for veterans and spouses of active duty military members.<sup>17</sup> Since VALOR's inception in 2014, the program has assisted 1,629 qualified applicants. During FY 2021-22 alone, the program assisted 362 qualified members.<sup>18</sup>

## **Florida Department of Veterans' Affairs**

The Florida Department of Veterans' Affairs (FDVA) is a nearly 1,500-member constitutionally chartered<sup>19</sup> department with a budget of \$171 million for FY 2022-23.<sup>20</sup> FDVA operates a network of nine state veterans' homes and provides statewide outreach to connect veterans with services, benefits and support.<sup>21</sup> FDVA is currently required to provide benefits and services in the fields of health care, mental health and substance abuse, claims support, education, employment, housing, burial benefits, and legal assistance to veterans and their dependents.<sup>22</sup> Current Florida law does not require FDVA to provide these benefits and services to the spouses of veterans.

## **Veterans Florida**

Veterans Florida,<sup>23</sup> a non-profit corporation within the Florida Department of Veterans' Affairs, was created to promote Florida as a veteran-friendly state.<sup>24</sup> Veterans Florida encourages and assists retired and recently separated military personnel to keep or make Florida their permanent residence, helps equip veterans for employment opportunities, and promotes the hiring of veterans.<sup>25</sup> In Fiscal Year 2021-2022, Veterans Florida assisted 2,668 veterans with career assistance and job placement.<sup>26</sup> Current law does not currently require Veterans Florida to provide assistance or services to the spouses of veterans.

Duties of Veterans Florida include:<sup>27</sup>

- Contracting with at least one entity to research and identify the target market and the educational and employment needs of veterans.
- Advising the Florida Tourism Industry Marketing Corporation regarding:
  - the target market;
  - developing and implementing a marketing campaign to encourage servicemembers to remain in Florida or make Florida their permanent residence; and

<sup>16</sup> VALOR is designed to issue licenses for all qualified initial applicants within one day. Department of Health Agency Analysis for HB 139 (January 18, 2023).

<sup>17</sup> See <http://www.flhealthsource.gov/valor> (last visited Feb. 8, 2023).

<sup>18</sup> Department of Health Agency Analysis for HB 139 (January 18, 2023).

<sup>19</sup> Art. IV, s. 11, Fla. Const.

<sup>20</sup> Ch. 2022-156, Laws of Fla., pg. 141.

<sup>21</sup> Florida Department of Veterans Affairs, *Florida Department of Veterans' Affairs – Our Vision and Mission*, available at <https://www.floridavets.org/leadership/> (last visited on February 14, 2023).

<sup>22</sup> Florida Department of Veterans Affairs, *Benefits & Services*, available at <https://www.floridavets.org/benefits-services/> (last visited on February 14, 2023).

<sup>23</sup> In 2015, the Florida Is For Veterans, Inc., Board of Directors approved the fictitious name "Veterans Florida." See <http://dos.sunbiz.org/scripts/ficidet.exe?action=DETREG&docnum=G15000027981&rdocnum=G15000027981> (last visited Feb. 9, 2023). See also s. 295.21(5)(e), F.S.

<sup>24</sup> S. 295.21(1), F.S.

<sup>25</sup> S. 295.21(2), F.S.

<sup>26</sup> Veterans Florida, *Annual Report* (2022), pg. 10, available at <https://www.veteransflorida.org/wp-content/uploads/2022/11/2021-22-Annual-Report.pdf> (last visited Feb. 9, 2023).

<sup>27</sup> S. 295.21(3), F.S.

- Methods for disseminating information to the target market that relate to interests and needs of veterans and facilitate veterans' knowledge of and access to benefits.
- Promoting and enhancing the value of military skill sets to businesses.
- Implementing the Veterans Employment and Training Services Program.
- Managing all appropriated funds to ensure the use of such funds conforms to all applicable laws, bylaws, or contractual requirements.

### *Veterans Employment and Training Services Program*

Veterans Florida administers the Veterans Employment and Training Services Program to assist in connecting veterans in search of employment with businesses seeking to hire dedicated, well-trained workers.<sup>28</sup> The purpose of the program is to meet the workforce demands of businesses in the state by facilitating access to training and education in high-demand fields for veterans.<sup>29</sup>

Functions of the program include:<sup>30</sup>

- Conducting marketing and recruiting efforts directed at veterans who reside in or who have an interest in relocating to Florida and who are seeking employment.
- Assisting veterans who reside in or relocate to Florida and who are seeking employment.
- Assisting Florida businesses in recruiting and hiring veterans.
- Creating a grant program to provide funding to assist veterans in meeting the workforce-skill needs of businesses seeking to hire, promote, or generally improve specialized skills of veterans, establishing criteria for approval of requests for funding, and maximizing the use of funding for the grant program.
- Contracting with one or more entities to administer an entrepreneur initiative program for veterans in Florida that connects business leaders with veterans seeking to become entrepreneurs.

Florida law does not currently require Veterans Florida to assist veterans or their spouses with access, training, education, or employment in health care professions.

### **Effect of Proposed Changes**

PCS for HB 139 establishes the Office of Veteran Licensure Services (Office) which must provide information, guidance, direction and assistance with health care licensure processes for all veterans and their spouses. This eliminates current practice of the practitioner apply have to apply to one of the 22 boards and DOH and creates a single point of entry to assist veterans and their spouses. The bill requires DOH to appoint a qualified military veteran to the position of executive director of the Office. The executive director must establish and maintain working relationships with the Department of Economic Opportunity, Veterans Florida, and the FDVA to ensure resources for veterans and families are identified and prepared. The bill also requires the Office to refer any veteran or spouse seeking training, education, or employment in health care professions to Veterans Florida.

The bill requires FDVA and Veterans Florida to provide spouses of veterans with all services and benefits currently provided to veterans. The bill requires Veterans Florida to assist veterans and their spouses with access, training, education, or employment in health care professions and to refer veterans and spouses seeking health care licensure to DOH.

The bill requires an annual report to the Governor, President of the Senate, and the Speaker of the House of Representatives by November 11th each year.

The bill also makes technical changes to statutory provisions related to the waiver of certain fees for veterans and their spouses.

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<sup>28</sup> S. 295.22, F.S.

<sup>29</sup> S. 295.22(2), F.S.

<sup>30</sup> S. 295.22(3), F.S.

The bill provides an effective date of July 1, 2023.

**B. SECTION DIRECTORY:**

- Section 1:** Amends s. 288.0001, F.S., relating to economic development program evaluations.
- Section 2:** Amends s. 292.05, F.S., relating to duties of Department of Veterans' Affairs.
- Section 3:** Amends s. 295.21.0001, F.S., relating to Florida is for Veterans, Inc.
- Section 4:** Amends s. 295.22, F.S., relating to veterans employment and training services program.
- Section 5:** Amends s. 456.013, F.S., relating to Department of Health's general licensing provisions.
- Section 6:** Amends s. 456.024, F.S., relating to members of armed forces in good standing with administrative boards or the department.
- Section 7:** Amends s. 456.0241, F.S., relating to temporary certificate for active duty military health care practitioners
- Section 8:** Creates s. 456.0242, F.S., relating to the office of veteran licensure services.
- Section 9:** Provides an effective date of July 1, 2023.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

DOH/MQA will experience a recurring increase in workload associated with processing applicants. The provisions of this legislation requiring that all military applications be rerouted to the Office of Veteran Licensure Services will create a substantial workload for the office that cannot be absorbed within existing resources.

DOH anticipates that a minimum of 4 FTE (full-time equivalent) positions will be required to implement the provisions of this legislation. The total estimated cost for the first year is \$380,209 in the following categories:<sup>31</sup>

Annual Estimated Cost

Salary - \$320,148/Recurring

Expense - \$39,338/Recurring + \$19,356/Non-Recurring

Human Resources - \$1,367/Recurring

DOH will incur non-recurring costs for rulemaking, which can be absorbed within current resources.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

<sup>31</sup> Department of Health Agency Analysis for HB 139 (January 18, 2023).

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other.

None.

B. RULE-MAKING AUTHORITY:

DOH has sufficient rulemaking authority to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**