

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 559 Occupational Licensure of Military Spouses

SPONSOR(S): Professions & Public Health Subcommittee and Regulatory Reform Subcommittee, Hunschofsky and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 562

FINAL HOUSE FLOOR ACTION: 112 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/HB 559 passed the House on March 4, 2022, as SB 562 as amended.

To help military families ease their transition into Florida, many licensing agencies in Florida have a special licensing process for spouses and surviving spouses of members of the U.S. Armed Forces.

The Department of Business and Professional Regulation (DBPR) provides certain licensure applicants who are a spouse or surviving spouse of an active duty member of the U.S. Armed Forces with licensing fee waivers and other licensing benefits.

Related to DBPR applicants, the bill requires DBPR to expedite all license applications submitted by a spouse of an active duty member of the U.S. Armed Forces, and must issue such license within 7 days after receipt of a complete application.

The Department of Health (DOH) provides expedited health care professional licensing to applicants who are a spouse or surviving spouse of a U.S. Armed Forces active duty member through the Florida Veterans Application for Licensure Online Response System (VALOR). Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees. In Florida, spouses of active duty members are authorized to receive a temporary license to practice certain health care professions upon submission of certain information and a \$65 licensure application fee.

Related to DOH applicants, the bill makes the following revisions to temporary licensure requirements for the spouse of an active duty member:

- Requires DOH to issue a full professional license, rather than a temporary license, to applicants who satisfy submission requirements, and do so within 7 days after receipt of all required documentation;
- Requires the board, or DOH if there is no board, to expedite all applications submitted by an active duty member's spouse under specified conditions; and
- Requires DOH to waive the \$65 application fee.

The bill will likely have an insignificant, negative fiscal impact on state government and no fiscal impact on local governments.

The bill was approved by the Governor on June 9, 2022, ch. 2022-185, L.O.F., and will become effective on July 1, 2022.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Department of Business and Professional Regulation

Professional Licensure

The Department of Business and Professional Regulation (DBPR), through several divisions, regulates and licenses various businesses and professions in Florida.¹

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.²

Each profession is regulated by an individual practice act and by ch. 455, F.S., which provide regulatory and licensure authority. 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.³ Licensees who wish to renew their license must pay a license renewal fee⁴ and may be subject to continuing education requirements⁵ and other conditions in the various practice acts.

Military Spouse Licensure

Under certain circumstances, DBPR is required to issue professional licenses to applicants who are a spouse or surviving spouse of active duty members of the U.S. Armed Forces.⁶ To be eligible for such licensure, the spouse must provide the following to the department:⁷

¹ S. 20.165, F.S.

² S. 20.165(1)-(4), F.S.

³ S. 455.201, F.S.

⁴ S. 455.203, F.S.

⁵ S. 455.2123, F.S.

⁶ Includes the United States Army, Navy, Air Force, Marine Corps, and Coast Guard. 10 U.S.C. § 101(a)(4). According to the Florida Department of Military Affairs most recent data, there are 149,076 active duty members of the U.S. Armed Forces and 32,151 spouses of such members residing in the state of Florida. Email from Mark Oglesby, Director of Legislative Affairs, Department of Military Affairs, Re: [URL Verdict: Neutral][Non-DoD Source]RE: Active Duty military, (Jan. 6, 2022).

⁷ S. 455.02(3)(a), F.S.

- Proof that the applicant is or was married to a member of the U.S. Armed Forces serving on active duty.
- Proof that the applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.
- Proof that the applicant, where required by the specific practice act, has complied with insurance or bonding requirements.
- A complete set of the applicant's fingerprints to the Department of Law Enforcement (FDLE) for a statewide criminal history check.⁸

An active duty U.S. Armed Forces member's spouse or surviving spouse who holds a DBPR license will have their license kept in good standing if the licensee is absent from the state related to the member's active duty service.⁹

The initial license application fee is waived if the applicant is:

- The spouse of a member of the U.S. Armed Forces who was married to the member during a period of active duty; or
- The surviving spouse of a member of the U.S. Armed Forces who at the time of death was serving on active duty.¹⁰

The license renewal fee is waived if the applicant is:

- the spouse of an active duty U.S. Armed Forces member who is present in this state because of such member's active duty; or
- a surviving spouse of a member of the U.S. Armed Forces, 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.

However, such applicants who receive a license are authorized to renew such license upon completion of the conditions for renewal required of licenseholders under the applicable practice act, including, without limitation, continuing education requirements. This does not limit the waiver of initial licensure requirements.¹¹

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 in Florida.¹² The MQA works in conjunction with 22 boards and four councils to license and regulate ten types of health care facilities and more than 200 licenses in over 40 health care professions.¹³ 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.

⁸ S. 455.02(3)(a)4.b., F.S., requires FDLE to forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department must, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04, F.S., and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing are borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

⁹ S. 455.02(2), F.S.

¹⁰ S. 455.219(7)(a), F.S.; and Form # DBPR MVL 002, incorporated by Rule 61-35.029, F.A.C.

¹¹ S. 455.02(3)(c), F.S.

¹² 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.

¹³ Florida Department of Health (DOH), Division of Medical Quality Assurance, *Annual Report and Long-Range Plan, Fiscal Year 2020-2021*, <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1617.pdf> (last visited Jan. 3, 2022).

Military and Veteran Licensure

Florida offers expedited licensing and fee waivers to a person who serves or has served as a health care practitioner¹⁴ in the U.S. Armed Forces, U.S. Reserve Forces, or the National Guard. To qualify for the 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:¹⁵

- 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 United States 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,¹⁶ 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.¹⁷

Military Spouse Temporary Licensure

Each board, or DOH if there is no board, is also authorized to issue temporary licenses to military spouses to practice his or her health care profession in Florida.¹⁸ A temporary license is valid for one year and is not renewable.¹⁹ To be eligible for a temporary license, a military spouse must:²⁰

- Submit a completed application and a \$65 application fee;²¹
- 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
- Pass a criminal background screening.

DOH provides expedited health care professional licensing to honorably discharged veterans and their spouses through the Florida Veterans Application for Licensure Online Response System (VALOR).²² Veterans and spouses who apply through the VALOR process receive a waiver of most licensing fees.²³

¹⁴ 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.

¹⁵ S. 456.024(3)(b), F.S.

¹⁶ R. 64B-9.003, F.A.C.

¹⁷ S. 456.024(3)(a), F.S.

¹⁸ S. 456.024(4), F.S.

¹⁹ S. 456.024(4)(f), F.S.

²⁰ S. 456.024(4)(a)-(d), F.S.

²¹ R. 64B-4.007, F.A.C.

²² DOH operates VALOR to provide expedited licensing for active duty military members, honorably discharged veterans, and spouses of active duty military members with an active license in another state. See <http://www.flhealthsource.gov/valor> (last visited Jan. 4, 2021).

²³ DOH, Agency Analysis of 2022 HB 559, p. 2 (12/14/2021).

Since its inception in 2016, there have been approximately 1,669 health care licensure applications submitted by and approved for active duty service members, military veterans, and their spouses through the VALOR expedited licensing process. There were 352 applications approved for health care licensure of military spouses and honorably discharged veterans in FY 2020-2021, which accounted for approximately 1.38% of all DOH issued licenses during this time period.²⁴

Effect of Proposed Changes

Department of Business and Professional Regulation

The bill requires DBPR to expedite all applications submitted by a spouse of an active duty member of the U.S. Armed Forces. DBPR must issue a license within 7 days after receipt of a complete application.

Department of Health

The bill makes several revisions to temporary licensure requirements for the spouse of an active duty member of the U.S. Armed Forces. The bill:

- Requires DOH to issue a full professional license, rather than a temporary license, to applicants who satisfy submission requirements, and do so within seven days after receipt of all required documentation;
- Requires the board, or DOH if there is no board, to expedite all applications submitted by an active duty member's spouse under specified conditions; and
- Requires DOH to waive the \$65 application fee.

The bill has an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

MQA will experience a recurring loss of revenue with implementation of the bill, but anticipates that any reduction in licensing fees will have an insignificant impact on their trust fund.²⁵

2. Expenditures:

DOH will incur costs associated with implementing the bill, which current resources are adequate to absorb.²⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

²⁴ *Id.*

²⁵ DOH, Agency Analysis of 2022 HB 559, p. 4 (12/14/2021).

²⁶ *Id.*

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill removes the \$65 DOH licensure fee for a spouse of an active duty member of the U.S. Armed Forces.

D. FISCAL COMMENTS:

None.