

By Senator Brandes

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1 A bill to be entitled
2 An act relating to professional regulation; providing
3 a short title; amending s. 455.02, F.S.; revising the
4 length of time that an active duty member of the Armed
5 Forces of the United States may remain in good
6 standing with an administrative board under certain
7 circumstances; requiring that a spouse or surviving
8 spouse be kept in good standing and be exempt from
9 licensure renewal provisions under certain
10 circumstances; requiring, rather than authorizing, the
11 Department of Business and Professional Regulation to
12 issue a professional license, rather than a temporary
13 license, to specified applicants; revising application
14 requirements; requiring the department to waive the
15 applicant's initial licensure application fee;
16 authorizing licensure renewal; amending s. 455.219,
17 F.S.; providing for a fee waiver for active duty
18 members of the Armed Services, certain spouses or
19 surviving spouses of an active duty member and low-
20 income individuals; requiring an application for a fee
21 waiver to be processed within a specified time;
22 providing rulemaking authority; providing an effective
23 date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. This act may be cited as the "Occupational
28 Opportunity Act."

29 Section 2. Section 455.02, Florida Statutes, is amended to

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30 read:

31 455.02 Licensure of members of the Armed Forces in good
32 standing and their spouses or surviving spouses with
33 administrative boards.-

34 (1) Any member of the Armed Forces of the United States now
35 or hereafter on active duty who, at the time of becoming such a
36 member, was in good standing with any of the boards listed in s.
37 20.165 administrative board of the state and was entitled to
38 practice or engage in his or her profession or vocation in the
39 state shall be kept in good standing by the applicable such
40 ~~administrative~~ board, without registering, paying dues or fees,
41 or performing any other act on his or her part to be performed,
42 as long as he or she is a member of the Armed Forces of the
43 United States on active duty and for a period of 2 years ~~6~~
44 ~~months~~ after discharge from active duty as a member of the Armed
45 Forces of the United States, if he or she is not engaged in his
46 or her licensed profession or vocation in the private sector for
47 profit.

48 (2) A spouse of a member of the Armed Services of the
49 United States who is married to a member during a period of
50 active duty, or a surviving spouse of a member who at the time
51 of death was serving on active duty, ~~The boards listed in s.~~
52 ~~20.165 shall adopt rules that exempt the spouse of a member of~~
53 ~~the Armed Forces of the United States who is in good standing~~
54 with any of the boards listed in s. 20.165 shall be kept in good
55 standing by the applicable board as described in subsection (1)
56 and shall be exempt from licensure renewal provisions, but only
57 in cases of his or her absence from the state because of his or
58 her spouse's duties with the Armed Forces.

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59 (3) (a) The department shall ~~may~~ issue a ~~temporary~~
60 professional license to an applicant who is or was ~~the spouse of~~
61 an active duty member of the Armed Forces of the United States,
62 or who is a spouse or surviving spouse of such member, ~~if the~~
63 ~~spouse upon application applies~~ to the department in a ~~the~~
64 format prescribed by the department. An application must include
65 proof that:

66 1. The applicant is or was an active duty member of the
67 Armed Forces of the United States or is married to a member of
68 the Armed Forces of the United States and was married to the
69 member during any period of ~~who is on~~ active duty or was married
70 to such a member who at the time of the member's death was
71 serving on active duty.

72 2. The applicant holds a valid license for the profession
73 issued by another state, the District of Columbia, any
74 possession or territory of the United States, or any foreign
75 jurisdiction.

76 ~~3. The applicant's spouse is assigned to a duty station in~~
77 ~~this state and that the applicant is also assigned to a duty~~
78 ~~station in this state pursuant to the member's official active~~
79 ~~duty military orders.~~

80 3.a.4.a. A complete set of the applicant's fingerprints is
81 submitted to the Department of Law Enforcement for a statewide
82 criminal history check.

83 b. The Department of Law Enforcement shall forward the
84 fingerprints submitted pursuant to sub-subparagraph a. to the
85 Federal Bureau of Investigation for a national criminal history
86 check. The department shall, and the board may, review the
87 results of the criminal history checks according to the level 2

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88 screening standards in s. 435.04 and determine whether the
89 applicant meets the licensure requirements. The costs of
90 fingerprint processing shall be borne by the applicant. If the
91 applicant's fingerprints are submitted through an authorized
92 agency or vendor, the agency or vendor shall collect the
93 required processing fees and remit the fees to the Department of
94 Law Enforcement.

95 (b) The department shall waive the applicant's initial
96 licensure application fee ~~An application must be accompanied by~~
97 ~~an application fee prescribed by the department that is~~
98 ~~sufficient to cover the cost of issuance of the temporary~~
99 ~~license.~~

100 (c) An applicant who is issued a license under this section
101 may renew such license upon completion of the conditions for
102 renewal required of licenseholders under the applicable practice
103 act, including, without limitation, continuing education
104 requirements. This paragraph does not limit waiver of initial
105 licensure requirements under this subsection. ~~A temporary~~
106 ~~license expires 6 months after the date of issuance and is not~~
107 ~~renewable.~~

108 Section 3. Subsection (7) is added to section 455.219,
109 Florida Statutes, to read:

110 455.219 Fees; receipts; disposition; periodic management
111 reports.—

112 (7) (a) The department, or a board thereunder, shall waive
113 the initial licensing fee for a member of the Armed Services of
114 the United States that has served on active duty, the spouse of
115 a member of the Armed Services of the United States who was
116 married to the member during a period of active duty, the

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117 surviving spouse of a member of the Armed Services of the United
118 States who at the time of death was serving on active duty, or a
119 low-income individual upon application by the individual in a
120 format prescribed by the department. The application format must
121 include the applicant's signature, under penalty of perjury, and
122 supporting documentation as required by the department. For
123 purposes of this subsection, the term "low-income individual"
124 means a person whose household income, before taxes, is at or
125 below 130 percent of the federal poverty guidelines prescribed
126 for the family's household size by the United States Department
127 of Health and Human Services or a person who is enrolled in a
128 state or federal public assistance program, including, but not
129 limited to, Temporary Assistance for Needy Families, Medicaid,
130 or Supplemental Nutrition Assistance Program.

131 (b) The department, or a board thereunder, shall process an
132 application for a fee waiver within 30 days of receiving it from
133 the applicant.

134 (c) The department shall adopt rules necessary to implement
135 the provisions of this subsection.

136 Section 4. This act shall take effect July 1, 2017.