

By the Committee on Regulated Industries; and Senator Brandes

580-02978B-17

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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 or program under
7 certain circumstances; requiring that a spouse or
8 surviving spouse be kept in good standing and be
9 exempt from 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 Forces, certain spouses or
19 surviving spouses of an active duty member, and low-
20 income individuals; defining the term "low-income
21 individual"; requiring an application for a fee waiver
22 to be processed within a specified time; providing
23 rulemaking authority; providing an appropriation;
24 providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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

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30 Section 2. Section 455.02, Florida Statutes, is amended to
31 read:

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

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

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

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59 the state because of his or her spouse's duties with the Armed
60 Forces.

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

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

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

78 3. The applicant, when required by the specific practice
79 act, has complied with insurance or bonding requirements ~~The~~
80 ~~applicant's spouse is assigned to a duty station in this state~~
81 ~~and that the applicant is also assigned to a duty station in~~
82 ~~this state pursuant to the member's official active duty~~
83 ~~military orders.~~

84 4.a. A complete set of the applicant's fingerprints is
85 submitted to the Department of Law Enforcement for a statewide
86 criminal history check.

87 b. The Department of Law Enforcement shall forward the

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88 fingerprints submitted pursuant to sub-subparagraph a. to the
89 Federal Bureau of Investigation for a national criminal history
90 check. The department shall, and the board may, review the
91 results of the criminal history checks according to the level 2
92 screening standards in s. 435.04 and determine whether the
93 applicant meets the licensure requirements. The costs of
94 fingerprint processing shall be borne by the applicant. If the
95 applicant's fingerprints are submitted through an authorized
96 agency or vendor, the agency or vendor shall collect the
97 required processing fees and remit the fees to the Department of
98 Law Enforcement.

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

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

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

114 455.219 Fees; receipts; disposition; periodic management
115 reports.—

116 (7) (a) The department, or a board thereunder, shall waive

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117 the initial licensing fee for a member of the Armed Services of
118 the United States that has served on active duty, the spouse of
119 a member of the Armed Services of the United States who was
120 married to the member during a period of active duty, the
121 surviving spouse of a member of the Armed Services of the United
122 States who at the time of death was serving on active duty, or a
123 low-income individual upon application by the individual in a
124 format prescribed by the department. The application format must
125 include the applicant's signature, under penalty of perjury, and
126 supporting documentation as required by the department. For
127 purposes of this subsection, the term "low-income individual"
128 means a person whose household income, before taxes, is at or
129 below 130 percent of the federal poverty guidelines prescribed
130 for the family's household size by the United States Department
131 of Health and Human Services, proof of which may be shown
132 through enrollment in a state or federal public assistance
133 program that requires participants to be at or below 130 percent
134 of the federal poverty guidelines to qualify.

135 (b) The department, or a board thereunder, shall process an
136 application for a fee waiver within 30 days after receiving it
137 from the applicant.

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

140 Section 4. For the 2017-2018 fiscal year, the nonrecurring
141 sum of \$31,000 from the Administrative Trust Fund is
142 appropriated to the Department of Business and Professional
143 Regulation for costs associated with technology infrastructure
144 and licensing modifications needed for the purposes of
145 implementing this act.

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Section 5. This act shall take effect July 1, 2017.