

By the Committees on Appropriations; and Regulated Industries;
and Senators Brandes and Stargel

576-03773-17

20171272c2

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.

25
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
33 standing and their spouses or surviving spouses with
34 administrative 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 Forces of the United
50 States who is married to a member during a period of active
51 duty, or a surviving spouse of a member who at the time of death
52 was serving on active duty, ~~The boards listed in s. 20.165 shall~~
53 ~~adopt rules that exempt the spouse of a member of the Armed~~
54 ~~Forces of the United States~~ who is in good standing with any of
55 the boards or programs listed in s. 20.165 shall be kept in good
56 standing by the applicable board or program as described in
57 subsection (1) and shall be exempt from licensure renewal
58 provisions, but only in cases of his or her absence from the

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59 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. An applicant who was an active duty
74 member of the Armed Forces of the United States must have
75 received an honorable discharge upon separation or discharge
76 from the Armed Forces of the United States.

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

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

87 4.a. A complete set of the applicant's fingerprints is

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88 submitted to the Department of Law Enforcement for a statewide
89 criminal history check.

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

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

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

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

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117 455.219 Fees; receipts; disposition; periodic management
118 reports.-

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

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

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

143 Section 4. For the 2017-2018 fiscal year, the nonrecurring
144 sum of \$31,000 from the Administrative Trust Fund is
145 appropriated to the Department of Business and Professional

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146 Regulation for costs associated with technology infrastructure
147 and licensing modifications needed for the purposes of
148 implementing this act.

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