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CS/CS/HB 615, Engrossed 1

2017 Legislature

1
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; providing rulemaking authority;
21 providing an appropriation; providing an effective
22 date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. This act may be cited as the "Occupational
 27 Opportunity Act."

28 Section 2. Section 455.02, Florida Statutes, is amended to
 29 read:

30 455.02 Licensure of members of the Armed Forces in good
 31 standing and their spouses or surviving spouses with
 32 administrative boards or programs.—

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

47 (2) A spouse of a member of the Armed Services of the
 48 United States who is married to a member during a period of
 49 active duty, or a surviving spouse of a member who at the time
 50 of death was serving on active duty, ~~The boards listed in s.~~

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51 ~~20.165 shall adopt rules that exempt the spouse of a member of~~
 52 ~~the Armed Forces of the United States~~ who is in good standing
 53 with any of the boards or programs listed in s. 20.165 shall be
 54 kept in good standing by the applicable board or program as
 55 described in subsection (1) and shall be exempt from licensure
 56 renewal provisions, but only in cases of his or her absence from
 57 the state because of his or her spouse's duties with the Armed
 58 Forces.

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

75 2. The applicant holds a valid license for the profession

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76 | issued by another state, the District of Columbia, any
77 | possession or territory of the United States, or any foreign
78 | jurisdiction.

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

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

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

100 | (b) The department shall waive the applicant's initial

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101 licensure application fee ~~An application must be accompanied by~~
 102 ~~an application fee prescribed by the department that is~~
 103 ~~sufficient to cover the cost of issuance of the temporary~~
 104 ~~license.~~

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

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

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

117 (7) (a) The department, or a board thereunder, shall waive
 118 the initial licensing fee for a member of the Armed Services of
 119 the United States that has served on active duty, the spouse of
 120 a member of the Armed Services of the United States who was
 121 married to the member during a period of active duty, the
 122 surviving spouse of a member of the Armed Services of the United
 123 States who at the time of death was serving on active duty, or a
 124 low-income individual upon application by the individual in a
 125 format prescribed by the department. The application format must

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126 | include the applicant's signature, under penalty of perjury, and
127 | supporting documentation as required by the department. For
128 | purposes of this subsection, the term "low-income individual"
129 | means a person whose household income, before taxes, is at or
130 | below 130 percent of the federal poverty guidelines prescribed
131 | for the family's household size by the United States Department
132 | of Health and Human Services, proof of which may be shown
133 | through enrollment in a state or federal public assistance
134 | program that requires participants to be at or below 130 percent
135 | of the federal poverty guidelines to qualify.

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

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

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

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