

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; 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.~~

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.

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

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

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

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

101 ~~license.~~

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

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

112 455.219 Fees; receipts; disposition; periodic management
113 reports.—

114 (7) (a) The department, or a board thereunder, shall waive
115 the initial licensing fee for a member of the Armed Services of
116 the United States that has served on active duty, the spouse of
117 a member of the Armed Services of the United States who was
118 married to the member during a period of active duty, the
119 surviving spouse of a member of the Armed Services of the United
120 States who at the time of death was serving on active duty, or a
121 low-income individual upon application by the individual in a
122 format prescribed by the department. The application format must
123 include the applicant's signature, under penalty of perjury, and
124 supporting documentation as required by the department. For
125 purposes of this subsection, the term "low-income individual"

126 | means a person whose household income, before taxes, is at or
127 | below 130 percent of the federal poverty guidelines prescribed
128 | for the family's household size by the United States Department
129 | of Health and Human Services, proof of which may be shown
130 | through enrollment in a state or federal public assistance
131 | program that requires participants to be at or below 130 percent
132 | of the federal poverty guidelines to qualify.

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

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

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

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