

CHAPTER 2017-135

Committee Substitute for Committee Substitute for House Bill No. 615

An act relating to professional regulation; providing a short title; amending s. 455.02, F.S.; revising the length of time that an active duty member of the Armed Forces of the United States may remain in good standing with an administrative board or program under certain circumstances; requiring that a spouse or surviving spouse be kept in good standing and be exempt from licensure renewal provisions under certain circumstances; requiring, rather than authorizing, the Department of Business and Professional Regulation to issue a professional license, rather than a temporary license, to specified applicants; revising application requirements; requiring the department to waive the applicant's initial licensure application fee; authorizing licensure renewal; amending s. 455.219, F.S.; providing for a fee waiver for active duty members of the Armed Forces, certain spouses or surviving spouses of an active duty member, and low-income individuals; providing rulemaking authority; providing an appropriation; providing an effective date.

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

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

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

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

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

(2) A spouse of a member of the Armed Services of the United States who is married to a member during a period of active duty, or a surviving spouse of a member who at the time of death was serving on active duty, The boards listed in s. 20.165 shall adopt rules that exempt the spouse of a member of the Armed Forces of the United States who is in good standing with any of the boards or programs listed in s. 20.165 shall be kept in good standing by

the applicable board or program as described in subsection (1) and shall be exempt from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

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

1. The applicant is or was an active duty member of the Armed Forces of the United States or is married to a member of the Armed Forces of the United States and was married to the member during any period of who is on active duty or was married to such a member who at the time of the member's death was serving on active duty. An applicant who was an active duty member of the Armed Forces of the United States must have received an honorable discharge upon separation or discharge from the Armed Forces of the United States.

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

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

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

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

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

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

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

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

(7)(a) The department, or a board thereunder, shall waive the initial licensing fee for a member of the Armed Services of the United States that has served on active duty, the spouse of a member of the Armed Services of the United States who was married to the member during a period of active duty, the surviving spouse of a member of the Armed Services of the United States who at the time of death was serving on active duty, or a low-income individual upon application by the individual in a format prescribed by the department. The application format must include the applicant’s signature, under penalty of perjury, and supporting documentation as required by the department. For purposes of this subsection, the term “low-income individual” means a person whose household income, before taxes, is at or below 130 percent of the federal poverty guidelines prescribed for the family’s household size by the United States Department of Health and Human Services, proof of which may be shown through enrollment in a state or federal public assistance program that requires participants to be at or below 130 percent of the federal poverty guidelines to qualify.

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

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

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

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

Approved by the Governor June 23, 2017.

Filed in Office Secretary of State June 23, 2017.