

By Senator Peaden

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See HB

1 A bill to be entitled
 2 An act relating to business and professional
 3 regulation; amending s. 455.271, F.S.;
 4 providing requirements for relicensure of
 5 delinquent licensees who were originally
 6 licensed under a grandfather provision;
 7 reenacting s. 455.203(9), F.S., relating to
 8 screening of applicants for new or renewal
 9 licenses for compliance with child support
 10 obligations, for purposes of the amendment to
 11 s. 455.271, F.S.; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Section 455.271, Florida Statutes, is
 16 amended to read:

17 455.271 Inactive and delinquent status.--

18 (1) A licensee may practice a profession only if the
 19 licensee has an active status license. A licensee who
 20 practices a profession without an active status license is in
 21 violation of this section and s. 455.227, and the board, or
 22 the department when there is no board, may impose discipline
 23 on the licensee.

24 (2) Each board, or the department when there is no
 25 board, shall permit a licensee to choose, at the time of
 26 licensure renewal, an active or inactive status. However, a
 27 licensee who changes from inactive to active status is not
 28 eligible to return to inactive status until the licensee
 29 thereafter completes a licensure cycle on active status.

30 (3) Each board, or the department when there is no
 31 board, shall, by rule, impose a fee for an inactive status

1 license which is no greater than the fee for an active status
2 license.

3 (4) An inactive status licensee may change to active
4 status at any time, provided the licensee meets all
5 requirements for active status, pays any additional licensure
6 fees necessary to equal those imposed on an active status
7 licensee, pays any applicable reactivation fees as set by the
8 board, or the department when there is no board, and meets all
9 continuing education requirements as specified in this
10 section.

11 (5) A licensee shall apply with a complete
12 application, as defined by rule of the board, or the
13 department when there is no board, to renew an active or
14 inactive status license before the license expires. Failure of
15 a licensee to renew before the license expires shall cause the
16 license to become delinquent in the license cycle following
17 expiration.

18 (6) A delinquent status licensee must affirmatively
19 apply with a complete application, as defined by rule of the
20 board, or the department when there is no board, for active or
21 inactive status during the licensure cycle in which a licensee
22 becomes delinquent. Failure by a delinquent status licensee to
23 become active or inactive before the expiration of the current
24 licensure cycle shall render the license null without any
25 further action by the board or the department.

26 (7)(a) Any subsequent licensure of a licensee who was
27 issued an initial license under the appropriate practice act
28 and whose license has become delinquent and been rendered null
29 as provided in subsection (6) shall be as a result of applying
30 for and meeting all requirements imposed on an applicant for
31 new licensure.

1 (b) Any subsequent relicensure of a licensee who was
2 issued an initial license pursuant to any grandfather
3 provision in effect at the time of enactment of the
4 appropriate practice act and whose license has become
5 delinquent and been rendered null as provided in subsection
6 (6) shall be as a result of applying for and meeting all
7 requirements imposed on an applicant for initial licensure
8 under either the current regulatory statute or any former or
9 predecessor chapter of the statutes providing for licensure of
10 practitioners of that profession under any initial grandfather
11 provision. For purposes of this paragraph, "grandfather
12 provision" means a provision that allows an exemption to a
13 newly enacted requirement based upon a preexisting condition.
14 However, the applicant for grandfather relicensure under this
15 paragraph must pay the appropriate fees imposed for current
16 applicants for new licensure and license renewal and may not
17 have had any felony, practice act, or unlicensed activity
18 penalties imposed for violations occurring during the period
19 the license was null. The department shall comply with the
20 provisions of s. 455.203(9) as they apply to applicants for
21 grandfather relicensure.

22 ~~(8)(7)~~ Each board, or the department when there is no
23 board, shall, by rule, impose an additional delinquency fee,
24 not to exceed the biennial renewal fee for an active status
25 license, on a delinquent status licensee when such licensee
26 applies for active or inactive status.

27 ~~(9)(8)~~ Each board, or the department when there is no
28 board, shall, by rule, impose an additional fee, not to exceed
29 the biennial renewal fee for an active status license, for
30 processing a licensee's request to change licensure status at
31 any time other than at the beginning of a licensure cycle.

1 ~~(10)(9)~~ Each board, or the department when there is no
2 board, may, by rule, impose reasonable conditions, excluding
3 full reexamination but including part of a national
4 examination or a special purpose examination to assess current
5 competency, necessary to ensure that a licensee who has been
6 on inactive status for more than two consecutive biennial
7 licensure cycles and who applies for active status can
8 practice with the care and skill sufficient to protect the
9 health, safety, and welfare of the public. Reactivation
10 requirements may differ depending on the length of time
11 licensees are inactive. The costs to meet reactivation
12 requirements shall be borne by licensees requesting
13 reactivation.

14 ~~(11)(10)~~ Before reactivation, an inactive or
15 delinquent licensee shall meet the same continuing education
16 requirements, if any, imposed on an active status licensee for
17 all biennial licensure periods in which the licensee was
18 inactive or delinquent.

19 ~~(12)(11)~~ The status or a change in status of a
20 licensee shall not alter in any way the board's, or the
21 department's when there is no board, right to impose
22 discipline or to enforce discipline previously imposed on a
23 licensee for acts or omissions committed by the licensee while
24 holding a license, whether active, inactive, or delinquent.

25 ~~(13)(12)~~ Except as otherwise provided in subsection
26 (7), this section does not apply to a business establishment
27 registered, permitted, or licensed by the department to do
28 business or to a person licensed, permitted, registered, or
29 certified pursuant to chapter 310 or chapter 475.

30 Section 2. Subsection (9) of section 455.203, Florida
31 Statutes, is reenacted to read:

1 455.203 Department; powers and duties.--The
2 department, for the boards under its jurisdiction, shall:

3 (9) Allow applicants for new or renewal licenses and
4 current licensees to be screened by the Title IV-D child
5 support agency pursuant to s. 409.2598 to assure compliance
6 with a support obligation. The purpose of this subsection is
7 to promote the public policy of this state as established in
8 s. 409.2551. The department shall, when directed by the court,
9 suspend or deny the license of any licensee found to have a
10 delinquent support obligation, as defined in s. 409.2554. The
11 department shall issue or reinstate the license without
12 additional charge to the licensee when notified by the court
13 that the licensee has complied with the terms of the court
14 order. The department shall not be held liable for any license
15 denial or suspension resulting from the discharge of its
16 duties under this subsection.

17 Section 3. This act shall take effect July 1, 2004.