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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2023	.	
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The Committee on Regulated Industries (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 455.2135, Florida Statutes, is created
to read:

455.2135 Interstate-Mobility and Universal-Recognition
Occupational Licensing Act.—

(1) SHORT TITLE.—This section may be cited as the
“Interstate-Mobility and Universal-Recognition Occupational



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11 Licensing Act.”
12 (2) DEFINITIONS.—As used in this section, the term:
13 (a) “Board” means an agency, a board, a department, or
14 another governmental entity that regulates a lawful occupation
15 under this chapter or chapter 456 and issues an occupational
16 license or a government certification to an individual. The term
17 does not include any board that regulates an occupation listed
18 under subsection (10).
19 (b) “Government certification” means a voluntary,
20 government-granted, and nontransferable recognition granted to
21 an individual who meets personal qualifications related to a
22 lawful occupation. The term includes a military certification
23 for a lawful occupation.
24 (c) “Lawful occupation” means a course of conduct, pursuit,
25 or profession that includes the lawful sale of goods or
26 services, regardless of whether the individual selling them is
27 subject to an occupational license.
28 (d) “Military” means the Armed Forces of the United States,
29 including the Air Force, Army, Coast Guard, Marine Corps, Navy,
30 Space Force, National Guard, and all reserve components and
31 auxiliaries. The term also includes the military reserves and
32 militia of any United States territory or state.
33 (e) “Occupational license” means a nontransferable
34 authorization in law for an individual to perform a lawful
35 occupation based on meeting personal qualifications. The term
36 includes a military occupational specialty.
37 (f) “Other licensing entity” or “another licensing entity”
38 means any United States territory, state other than this state,
39 private certification organization, foreign province, foreign



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40 country, international organization, or other entity that issues
41 occupational licenses or government certifications. The term
42 includes the military.

43 (g) "Private certification" means a voluntary program in
44 which a private organization grants nontransferable recognition
45 to an individual who meets personal qualifications and standards
46 relevant to performing the occupation, as determined by the
47 private organization.

48 (h) "Scope of practice" means the procedures, actions,
49 processes, and work that an individual may perform under an
50 occupational license or a government certification issued in
51 this state.

52 (3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.—

53 (a) Notwithstanding any other law, a board must issue an
54 occupational license or a government certification to an
55 applicant for such license or certification if all of the
56 following apply:

57 1. The applicant holds a current and valid occupational
58 license or government certification issued by another licensing
59 entity in a lawful occupation with a similar scope of practice,
60 as determined by a board in this state.

61 2. The applicant has held the occupational license or
62 government certification issued by another licensing entity for
63 at least 1 year.

64 3. A board for the other licensing entity required the
65 applicant to pass an examination or meet education, training, or
66 experience standards.

67 4. A board for the other licensing entity holds the
68 applicant in good standing.



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69 5. The applicant does not have a disqualifying criminal
70 record as determined by a board in this state.

71 6. A board for another licensing entity has not revoked the
72 applicant's occupational license or government certification
73 because of negligence or intentional misconduct related to the
74 applicant's work in the occupation.

75 7. The applicant did not surrender an occupational license
76 or a government certification, or have such license or
77 certification revoked, because of negligence or intentional
78 misconduct related to the applicant's work in the occupation
79 outside of this state or in the military.

80 8. The applicant does not have a complaint, an allegation,
81 or an investigation formally pending before a board for another
82 licensing entity which relates to unprofessional conduct or an
83 alleged crime. If the applicant has such a complaint,
84 allegation, or investigation pending, a board may not issue or
85 deny an occupational license or a government certification to
86 the applicant until the complaint, allegation, or investigation
87 is resolved or the applicant otherwise meets the criteria for an
88 occupational license or a government certification in this state
89 to the satisfaction of a board in this state.

90 9. The applicant pays all applicable fees in this state.

91 (b) If another licensing entity issued the applicant a
92 government certification but an occupational license is required
93 in this state to perform a lawful occupation, the applicable
94 board must issue an occupational license to the applicant if the
95 applicant otherwise satisfies paragraph (a).

96 (4) WORK EXPERIENCE.—Notwithstanding any other law, a board
97 must issue an occupational license or a government certification



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98 to an applicant for such license or certification based on work
99 experience outside of this state or in the military if all of
100 the following apply:

101 (a) The applicant worked in a state that does not issue an
102 occupational license or a government certification to regulate a
103 lawful occupation or was a member of the military, but this
104 state issues an occupational license or a government
105 certification to regulate a lawful occupation with a similar
106 scope of practice, as determined by the board.

107 (b) The applicant worked for at least 3 years in the lawful
108 occupation.

109 (c) The applicant satisfies subparagraphs (3) (a) 5.-9.

110 (5) PRIVATE CERTIFICATION.—Notwithstanding any other law, a
111 board must issue an occupational license or a government
112 certification to an applicant for such license or certification
113 based on the applicant holding a private certification and the
114 applicant's work experience outside of this state or in the
115 military if all of the following apply:

116 (a) The applicant holds a private certification and worked
117 in a state that does not issue an occupational license or a
118 government certification to regulate a lawful occupation or was
119 a member of the military, but an occupational license is
120 required in this state for such lawful occupation, as determined
121 by the board.

122 (b) The applicant worked for at least 2 years in the lawful
123 occupation.

124 (c) The applicant holds a current and valid private
125 certification in the lawful occupation.

126 (d) The private certification organization holds the



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127 applicant in good standing.

128 (e) The applicant satisfies subparagraphs (3) (a) 5.-9.

129 (6) REQUIRED EXAMINATIONS AND EDUCATION.—

130 (a) A board may require an applicant to pass an examination
131 specific to relevant state laws that regulate the occupation if
132 an occupational license or a government certification under this
133 chapter or chapter 456 requires such examination.

134 (b) In addition to the examination described in paragraph
135 (a), a board must require an applicant seeking to be licensed as
136 a general contractor, building contractor, residential
137 contractor, roofing contractor, specialty structure contractor,
138 or glass and glazing contractor to:

139 1. Successfully complete the examination for licensure
140 described in s. 489.113(1); and

141 2. Before being issued a certificate or registration,
142 successfully complete the following continuing education
143 courses, either in person or online:

144 a. The number of required hours, as determined by the
145 Construction Industry Licensing Board, relating to laws and
146 rules related to the construction industry in chapter 455 and
147 part 1 of chapter 489 and the rules of the Construction Industry
148 Licensing Board, and relating to wind mitigation methodology and
149 techniques incorporated in the Florida Building Code; and

150 b. For applicants seeking to be licensed as a general
151 contractor, building contractor, residential contractor, or
152 roofing contractor, a 2-hour course on the Florida Building Code
153 which includes information on wind mitigation techniques.

154 (7) PRESUMPTION OF APPROVAL; DECISION.—Unless a board can
155 demonstrate a substantial difference between the licensure or



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156 certification requirements of another licensing entity and this
157 state, there is a presumption that an applicant who holds a
158 valid occupational license, government certification, or private
159 certification, or otherwise meets the requirements to be issued
160 an occupational license for a lawful occupation, and is in good
161 standing with another licensing entity is qualified for an
162 occupational license or a government certification in this state
163 and must be approved by the board. A board shall provide an
164 applicant with a written decision regarding his or her
165 application within 90 days after receipt of a completed
166 application.

167 (8) APPEAL.—

168 (a) The applicant may appeal the board's decision to the
169 Division of Administrative Hearings.

170 (b) The applicant may appeal the board's:

171 1. Denial of an occupational license or a government
172 certification;

173 2. Determination of the validity of an occupational license
174 or a government certification;

175 3. Determination of the similarity of the scope of practice
176 of the occupational license or government certification held by
177 the applicant; or

178 4. Determination of a disqualifying criminal record.

179 (9) STATE LAWS AND JURISDICTION.—An applicant who obtains
180 an occupational license or a government certification pursuant
181 to this section is subject to:

182 (a) The laws regulating the occupation in this state; and

183 (b) The jurisdiction of the applicable board in this state.

184 (10) EXCEPTION.—This section does not apply to an



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185 occupation regulated by the Florida Supreme Court or any
186 occupation regulated under chapter 473, relating to public
187 accountancy.

188 (11) CONSTRUCTION.—

189 (a) This section may not be construed to prohibit an
190 individual from applying for an occupational license or a
191 government certification under another law or rule.

192 (b) An occupational license or a government certification
193 issued pursuant to this section is valid only in this state.
194 Such license or certification does not make the individual
195 eligible to work outside this state under an interstate compact
196 or a reciprocity agreement unless otherwise provided in law.

197 (c) This section may not be construed to prevent this state
198 from entering into a licensing compact or reciprocity agreement
199 with another state, United States territory, foreign province,
200 foreign country, international organization, or other entity.

201 (d) This section may not be construed to prevent boards in
202 this state from recognizing occupational licenses or government
203 certifications issued by a private certification organization,
204 foreign province, foreign country, international organization,
205 or other entity.

206 (e) This section may not be construed to require a private
207 certification organization to grant or deny private
208 certification to any individual.

209 (12) EMERGENCY POWERS.—

210 (a) During a state of emergency declared by the Governor,
211 the Governor may order the recognition of occupational licenses
212 from other licensing entities.

213 (b) The Governor may expand any occupational license's



214 scope of practice and may authorize licensees to provide
215 services in this state in person, telephonically, or by other
216 means for the duration of the emergency.

217 (13) ANNUAL REPORT.—Each board shall submit an annual
218 report to the President of the Senate and the Speaker of the
219 House of Representatives by December 31 of each year, detailing
220 the number of licenses or certifications issued pursuant to this
221 section, the number of completed applications submitted pursuant
222 to this section which were denied, and the reason for each
223 denial.

224 (14) RULEMAKING.—The Department of Business and
225 Professional Regulation and the Department of Health, for the
226 boards under their jurisdiction, shall adopt rules to administer
227 this section.

228 Section 2. Section 456.0365, Florida Statutes, is created
229 to read:

230 456.0365 Applicability of the Interstate-Mobility and
231 Universal-Recognition Occupational Licensing Act.—Except as
232 provided in s. 455.2135(10), s. 455.2135 applies to professions
233 regulated by the department under this chapter.

234 Section 3. This act shall take effect July 1, 2023.

235
236 ===== T I T L E A M E N D M E N T =====

237 And the title is amended as follows:

238 Delete everything before the enacting clause
239 and insert:

240 A bill to be entitled
241 An act relating to the Interstate-Mobility and
242 Universal-Recognition Occupational Licensing Act;



243 creating s. 455.2135, F.S.; providing a short title;
244 defining terms; requiring certain agencies, boards,
245 departments, and other governmental entities to issue
246 an occupational license or a government certification
247 to applicants under certain circumstances; authorizing
248 such entities to require an applicant to pass a
249 specified examination under certain circumstances;
250 requiring such entities to require certain applicants
251 to complete a specified examination and certain
252 education requirements; providing a presumption that
253 the applications of certain individuals will be
254 approved; requiring licensing entities to provide a
255 written decision to an applicant within a specified
256 timeframe; authorizing an applicant to appeal a
257 decision made under the act; specifying that an
258 applicant licensed or certified under the act is still
259 subject to specified laws and entities; providing
260 exceptions; providing construction; authorizing the
261 Governor to take certain actions relating to
262 occupational licenses during declared states of
263 emergency; requiring licensing entities to submit an
264 annual report to the Legislature by a specified date;
265 requiring the Department of Business and Professional
266 Regulation and the Department of Health to adopt
267 rules; creating s. 456.0365, F.S.; providing
268 applicability; providing an effective date.