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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/19/2023	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Collins) recommended the following:

Senate Amendment (with title amendment)

Delete lines 67 - 255

and insert:

recognized private certification organization, or recognized international organization that issues occupational licenses or government certifications for a lawful occupation with a similar scope of practice to a lawful occupation in this state. The term includes the military.

(g) "Recognized private certification" means a voluntary



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11 program in which a recognized private organization or recognized
12 international organization grants nontransferable recognition to
13 an individual who meets personal qualifications and standards
14 relevant to performing an occupation, as determined by the
15 Department of Business and Professional Regulation or the
16 Department of Health, as applicable.

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

21 (3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.—

22 (a) Notwithstanding any other law, a board must issue an
23 occupational license or a government certification to an
24 applicant for such license or certification if all of the
25 following apply:

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

30 2. The applicant has held the occupational license or
31 government certification issued by another licensing entity for
32 at least 1 year.

33 3. A board for the other licensing entity required the
34 applicant to meet at least two of the following three
35 requirements:

36 a. Pass an examination.

37 b. Meet specified education or training standards.

38 c. Meet specified experience standards.

39 4. A board for the other licensing entity holds the



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40 applicant in good standing.

41 5. The applicant does not have a criminal record or
42 professional disciplinary action in any jurisdiction that would
43 disqualify the applicant from licensure in this state, as
44 determined by the appropriate board; and the applicant has met
45 the general background screening requirements under s. 456.0135,
46 if applicable.

47 6. A board in this state or a board for another licensing
48 entity has not revoked the applicant's occupational license or
49 government certification.

50 7. The applicant did not surrender an occupational license
51 or a government certification, or have such license or
52 certification revoked, because of negligence or intentional
53 misconduct related to the applicant's work in the occupation
54 outside of this state or in the military.

55 8. The applicant does not have a complaint, an allegation,
56 or an investigation formally pending before a board for another
57 licensing entity which relates to unprofessional conduct or an
58 alleged crime. If the applicant has such a complaint,
59 allegation, or investigation pending, a board may not issue or
60 deny an occupational license or a government certification to
61 the applicant until the complaint, allegation, or investigation
62 is resolved or the applicant otherwise meets the criteria for an
63 occupational license or a government certification in this state
64 to the satisfaction of a board in this state.

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

66 (b) If another licensing entity issued the applicant a
67 government certification but an occupational license is required
68 in this state to perform a lawful occupation, the applicable



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69 board must issue an occupational license to the applicant if the
70 applicant otherwise satisfies paragraph (a).

71 (4) WORK EXPERIENCE.—Notwithstanding any other law, a board
72 must issue an occupational license or a government certification
73 to an applicant for such license or certification based on work
74 experience outside of this state or in the military if all of
75 the following apply:

76 (a) The applicant worked in a state that does not issue an
77 occupational license or a government certification to regulate a
78 lawful occupation or was a member of the military, but this
79 state issues an occupational license or a government
80 certification to regulate a lawful occupation with a similar
81 scope of practice, as determined by the board.

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

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

85 (5) RECOGNIZED PRIVATE CERTIFICATION.—Notwithstanding any
86 other law, except as provided in subsection (6), a board must
87 issue an occupational license or a government certification to
88 an applicant for such license or certification based on the
89 applicant holding a recognized private certification and the
90 applicant's work experience outside of this state or in the
91 military if all of the following apply:

92 (a) The applicant holds a recognized private certification
93 and worked in a state that does not issue an occupational
94 license or a government certification to regulate a lawful
95 occupation or was a member of the military, but an occupational
96 license is required in this state for such lawful occupation, as
97 determined by the board.



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

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

102 (d) The recognized private certification organization holds
103 the applicant in good standing.

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

105 (6) ADDITIONAL REQUIREMENTS.—

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

110 (b) In addition to the examination described in paragraph
111 (a), a board must require an applicant seeking to be licensed as
112 a general contractor, building contractor, residential
113 contractor, roofing contractor, specialty structure contractor,
114 or glass and glazing contractor to:

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

117 2. Before being issued a certificate or registration,
118 successfully complete the following continuing education
119 courses, either in person or online:

120 a. The number of required hours, as determined by the
121 Construction Industry Licensing Board, relating to laws and
122 rules related to the construction industry in chapter 455 and
123 part 1 of chapter 489 and the rules of the Construction Industry
124 Licensing Board, and relating to wind mitigation methodology and
125 techniques incorporated in the Florida Building Code; and

126 b. For applicants seeking to be licensed as a general



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127 contractor, building contractor, residential contractor, or
128 roofing contractor, a 2-hour course on the Florida Building Code
129 which includes information on wind mitigation techniques.

130 (c) Notwithstanding any other provision in this section, a
131 board for an occupation regulated under chapter 458, chapter
132 459, or chapter 461 shall require an applicant to meet the
133 requirements of s. 458.313, s. 459.0055, or s. 461.006, as
134 applicable, before issuing an occupational license or a
135 government certification to practice medicine, osteopathic
136 medicine, or podiatric medicine.

137 (7) PRESUMPTION OF APPROVAL; DECISION.—Unless a board can
138 demonstrate a substantial difference between the licensure or
139 certification requirements of another licensing entity and this
140 state, there is a presumption that an applicant who holds a
141 valid occupational license, government certification, or private
142 certification, or otherwise meets the requirements to be issued
143 an occupational license for a lawful occupation, and is in good
144 standing with another licensing entity is qualified for an
145 occupational license or a government certification in this state
146 and must be approved by the board. A board shall provide an
147 applicant with a written decision regarding his or her
148 application within 90 days after receipt of a completed
149 application.

150 (8) APPEAL.—

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

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

154 1. Denial of an occupational license or a government
155 certification;



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156 2. Determination of the validity of an occupational license
157 or a government certification;

158 3. Determination of the similarity of the scope of practice
159 of the occupational license or government certification held by
160 the applicant; or

161 4. Determination of a disqualifying criminal record.

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

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

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

167 (10) EXCEPTION.—This section does not apply to an
168 occupation regulated by the Florida Supreme Court or any
169 occupation regulated under chapter 473, relating to public
170 accountancy.

171 (11) CONSTRUCTION.—

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

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

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

184 (d) This section may not be construed to prevent boards in



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185 this state from recognizing occupational licenses or government
186 certifications issued by a private certification organization,
187 foreign province, foreign country, international organization,
188 or other entity.

189 (e) This section may not be construed to require a private
190 certification organization to grant or deny private
191 certification to any individual.

192 (12) EMERGENCY POWERS.—

193 (a) During a state of emergency declared by the Governor,
194 the Governor may order the recognition of occupational licenses
195 from other licensing entities.

196 (b) The Governor may expand any occupational license's
197 scope of practice and may authorize licensees to provide
198 services in this state in person, telephonically, or by other
199 means for the duration of the emergency.

200 (13) ANNUAL REPORT.—Each board shall submit an annual
201 report to the President of the Senate and the Speaker of the
202 House of Representatives by December 31 of each year, detailing
203 the number of licenses or certifications issued pursuant to this
204 section, the number of completed applications submitted pursuant
205 to this section which were denied, and the reason for each
206 denial.

207 (14) RULEMAKING.—

208 (a) The Department of Business and Professional Regulation
209 and the Department of Health shall, for the boards under their
210 respective jurisdiction, adopt rules to administer this section.

211 (b) Each board shall adopt rules for determining whether a
212 scope of practice is similar to the scope of practice of a
213 lawful occupation regulated by the board in this state.



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214 (15) VETERANS ONLINE PORTAL.—Contingent upon the
215 appropriation of funds for that purpose by the Legislature, the
216 Department of Veterans' Affairs shall establish a one-stop
217 online portal system that allows former and present members of
218 the military and their dependents to enter and verify their
219 military credentials, government certifications, occupational
220 licenses, or recognized private certifications. The Department
221 of Business and Professional Regulation and the Department of
222 Health shall, for the boards under their respective
223 jurisdiction, use this system to verify credentials for
224 applicants under this section.

225
226 ===== T I T L E A M E N D M E N T =====

227 And the title is amended as follows:

228 Delete lines 12 - 28

229 and insert:

230 to meet specified additional requirements; providing a
231 presumption that the applications of certain
232 individuals will be approved; requiring licensing
233 entities to provide a written decision to an applicant
234 within a specified timeframe; authorizing an applicant
235 to appeal a decision made under the act; specifying
236 that an applicant licensed or certified under the act
237 is still subject to specified laws and entities;
238 providing exceptions; providing construction;
239 authorizing the Governor to take certain actions
240 relating to occupational licenses during declared
241 states of emergency; requiring licensing entities to
242 submit an annual report to the Legislature by a



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243 specified date; requiring boards, the Department of
244 Business and Professional Regulation, and the
245 Department of Health to adopt rules; requiring the
246 Department of Veterans' Affairs, contingent upon an
247 appropriation, to establish a specified online portal
248 relating to veterans' occupational licenses and
249 government certifications; requiring the Department of
250 Business and Professional Regulation and the
251 Department of Health to use such portal to verify
252 credentials; creating s. 456.0365, F.S.; providing