

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senators Collins, Burgess, and Calatayud

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1 A bill to be entitled
2 An act relating to the Interstate-Mobility and
3 Universal-Recognition Occupational Licensing Act;
4 creating s. 455.2135, F.S.; providing a short title;
5 defining terms; requiring certain agencies, boards,
6 departments, and other governmental entities to issue
7 an occupational license or a government certification
8 to applicants under certain circumstances; authorizing
9 such entities to require an applicant to pass a
10 specified examination under certain circumstances;
11 requiring such entities to require certain applicants
12 to meet specified additional requirements; providing a
13 presumption that the applications of certain
14 individuals will be approved; requiring licensing
15 entities to provide a written decision to an applicant
16 within a specified timeframe; authorizing an applicant
17 to appeal a decision made under the act; specifying
18 that an applicant licensed or certified under the act
19 is still subject to specified laws and entities;
20 providing exceptions; providing construction;
21 authorizing the Governor to take certain actions
22 relating to occupational licenses during declared
23 states of emergency; requiring licensing entities to
24 submit an annual report to the Legislature by a
25 specified date; requiring boards, the Department of
26 Business and Professional Regulation, and the
27 Department of Health to adopt rules; requiring the
28 Department of Veterans' Affairs, contingent upon an
29 appropriation, to establish a specified online portal

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30 relating to veterans' occupational licenses and
31 government certifications; requiring the Department of
32 Business and Professional Regulation and the
33 Department of Health to use such portal to verify
34 credentials; creating s. 456.0365, F.S.; providing
35 applicability; providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

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

41 455.2135 Interstate-Mobility and Universal-Recognition
42 Occupational Licensing Act.—

43 (1) SHORT TITLE.—This section may be cited as the
44 "Interstate-Mobility and Universal-Recognition Occupational
45 Licensing Act."

46 (2) DEFINITIONS.—As used in this section, the term:

47 (a) "Board" means an agency, a board, a department, or
48 another governmental entity that regulates a lawful occupation
49 under this chapter or chapter 456 and issues an occupational
50 license or a government certification to an individual. The term
51 does not include any board that regulates an occupation listed
52 under subsection (10).

53 (b) "Government certification" means a voluntary,
54 government-granted, and nontransferable recognition granted to
55 an individual who meets personal qualifications related to a
56 lawful occupation. The term includes a military certification
57 for a lawful occupation.

58 (c) "Lawful occupation" means a course of conduct, pursuit,

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59 or profession that includes the lawful sale of goods or
60 services, regardless of whether the individual selling them is
61 subject to an occupational license.

62 (d) "Military" means the Armed Forces of the United States,
63 including the Air Force, Army, Coast Guard, Marine Corps, Navy,
64 Space Force, National Guard, and all reserve components and
65 auxiliaries. The term also includes the military reserves and
66 militia of any United States territory or state.

67 (e) "Occupational license" means a nontransferable
68 authorization in law for an individual to perform a lawful
69 occupation based on meeting personal qualifications. The term
70 includes a military occupational specialty.

71 (f) "Other licensing entity" or "another licensing entity"
72 means any United States territory, state other than this state,
73 recognized private certification organization, or recognized
74 international organization that issues occupational licenses or
75 government certifications for a lawful occupation with a similar
76 scope of practice to a lawful occupation in this state. The term
77 includes the military.

78 (g) "Recognized private certification" means a voluntary
79 program in which a recognized private organization or recognized
80 international organization grants nontransferable recognition to
81 an individual who meets personal qualifications and standards
82 relevant to performing an occupation, as determined by the
83 Department of Business and Professional Regulation or the
84 Department of Health, as applicable.

85 (h) "Scope of practice" means the procedures, actions,
86 processes, and work that an individual may perform under an
87 occupational license or a government certification issued in

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88 this state.

89 (3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.—

90 (a) Notwithstanding any other law, a board must issue an
91 occupational license or a government certification to an
92 applicant for such license or certification if all of the
93 following apply:

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

98 2. The applicant has held the occupational license or
99 government certification issued by another licensing entity for
100 at least 1 year.

101 3. A board for the other licensing entity required the
102 applicant to meet at least two of the following three
103 requirements:

104 a. Pass an examination.

105 b. Meet specified education or training standards.

106 c. Meet specified experience standards.

107 4. A board for the other licensing entity holds the
108 applicant in good standing.

109 5. The applicant does not have a criminal record or
110 professional disciplinary action in any jurisdiction that would
111 disqualify the applicant from licensure in this state, as
112 determined by the appropriate board; and the applicant has met
113 the general background screening requirements under s. 456.0135,
114 if applicable.

115 6. A board in this state or a board for another licensing
116 entity has not revoked the applicant's occupational license or

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117 government certification.

118 7. The applicant did not surrender an occupational license
119 or a government certification, or have such license or
120 certification revoked, because of negligence or intentional
121 misconduct related to the applicant's work in the occupation
122 outside of this state or in the military.

123 8. The applicant does not have a complaint, an allegation,
124 or an investigation formally pending before a board for another
125 licensing entity which relates to unprofessional conduct or an
126 alleged crime. If the applicant has such a complaint,
127 allegation, or investigation pending, a board may not issue or
128 deny an occupational license or a government certification to
129 the applicant until the complaint, allegation, or investigation
130 is resolved or the applicant otherwise meets the criteria for an
131 occupational license or a government certification in this state
132 to the satisfaction of a board in this state.

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

134 (b) If another licensing entity issued the applicant a
135 government certification but an occupational license is required
136 in this state to perform a lawful occupation, the applicable
137 board must issue an occupational license to the applicant if the
138 applicant otherwise satisfies paragraph (a).

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

144 (a) The applicant worked in a state that does not issue an
145 occupational license or a government certification to regulate a

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146 lawful occupation or was a member of the military, but this
147 state issues an occupational license or a government
148 certification to regulate a lawful occupation with a similar
149 scope of practice, as determined by the board.

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

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

153 (5) RECOGNIZED PRIVATE CERTIFICATION.—Notwithstanding any
154 other law, except as provided in subsection (6), a board must
155 issue an occupational license or a government certification to
156 an applicant for such license or certification based on the
157 applicant holding a recognized private certification and the
158 applicant's work experience outside of this state or in the
159 military if all of the following apply:

160 (a) The applicant holds a recognized private certification
161 and worked in a state that does not issue an occupational
162 license or a government certification to regulate a lawful
163 occupation or was a member of the military, but an occupational
164 license is required in this state for such lawful occupation, as
165 determined by the board.

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

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

170 (d) The recognized private certification organization holds
171 the applicant in good standing.

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

173 (6) ADDITIONAL REQUIREMENTS.—

174 (a) A board may require an applicant to pass an examination

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175 specific to relevant state laws that regulate the occupation if
176 an occupational license or a government certification under this
177 chapter or chapter 456 requires such examination.

178 (b) In addition to the examination described in paragraph
179 (a), a board must require an applicant seeking to be licensed as
180 a general contractor, building contractor, residential
181 contractor, roofing contractor, specialty structure contractor,
182 or glass and glazing contractor to:

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

185 2. Before being issued a certificate or registration,
186 successfully complete the following continuing education
187 courses, either in person or online:

188 a. The number of required hours, as determined by the
189 Construction Industry Licensing Board, relating to laws and
190 rules related to the construction industry in chapter 455 and
191 part 1 of chapter 489 and the rules of the Construction Industry
192 Licensing Board, and relating to wind mitigation methodology and
193 techniques incorporated in the Florida Building Code; and

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

198 (c) Notwithstanding any other provision in this section, a
199 board for an occupation regulated under chapter 458, chapter
200 459, or chapter 461 shall require an applicant to meet the
201 requirements of s. 458.313, s. 459.0055, or s. 461.006, as
202 applicable, before issuing an occupational license or a
203 government certification to practice medicine, osteopathic

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204 medicine, or podiatric medicine.

205 (7) PRESUMPTION OF APPROVAL; DECISION.—Unless a board can
206 demonstrate a substantial difference between the licensure or
207 certification requirements of another licensing entity and this
208 state, there is a presumption that an applicant who holds a
209 valid occupational license, government certification, or private
210 certification, or otherwise meets the requirements to be issued
211 an occupational license for a lawful occupation, and is in good
212 standing with another licensing entity is qualified for an
213 occupational license or a government certification in this state
214 and must be approved by the board. A board shall provide an
215 applicant with a written decision regarding his or her
216 application within 90 days after receipt of a completed
217 application.

218 (8) APPEAL.—

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

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

222 1. Denial of an occupational license or a government
223 certification;

224 2. Determination of the validity of an occupational license
225 or a government certification;

226 3. Determination of the similarity of the scope of practice
227 of the occupational license or government certification held by
228 the applicant; or

229 4. Determination of a disqualifying criminal record.

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

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233 (a) The laws regulating the occupation in this state; and
234 (b) The jurisdiction of the applicable board in this state.

235 (10) EXCEPTION.—This section does not apply to an
236 occupation regulated by the Florida Supreme Court or any
237 occupation regulated under chapter 473, relating to public
238 accountancy.

239 (11) CONSTRUCTION.—

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

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

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

252 (d) This section may not be construed to prevent boards in
253 this state from recognizing occupational licenses or government
254 certifications issued by a private certification organization,
255 foreign province, foreign country, international organization,
256 or other entity.

257 (e) This section may not be construed to require a private
258 certification organization to grant or deny private
259 certification to any individual.

260 (12) EMERGENCY POWERS.—

261 (a) During a state of emergency declared by the Governor,

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262 the Governor may order the recognition of occupational licenses
263 from other licensing entities.

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

268 (13) ANNUAL REPORT.—Each board shall submit an annual
269 report to the President of the Senate and the Speaker of the
270 House of Representatives by December 31 of each year, detailing
271 the number of licenses or certifications issued pursuant to this
272 section, the number of completed applications submitted pursuant
273 to this section which were denied, and the reason for each
274 denial.

275 (14) RULEMAKING.—

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

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

282 (15) VETERANS ONLINE PORTAL.—Contingent upon the
283 appropriation of funds for that purpose by the Legislature, the
284 Department of Veterans' Affairs shall establish a one-stop
285 online portal system that allows former and present members of
286 the military and their dependents to enter and verify their
287 military credentials, government certifications, occupational
288 licenses, or recognized private certifications. The Department
289 of Business and Professional Regulation and the Department of
290 Health shall, for the boards under their respective

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291 jurisdiction, use this system to verify credentials for
292 applicants under this section.

293 Section 2. Section 456.0365, Florida Statutes, is created
294 to read:

295 456.0365 Applicability of the Interstate-Mobility and
296 Universal-Recognition Occupational Licensing Act.—Except as
297 provided in s. 455.2135(10), s. 455.2135 applies to professions
298 regulated by the department under this chapter.

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