

By the Committee on Fiscal Policy; 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 worked for at least 2 years, worked
99 the length of time required for licensure or certification by
100 endorsement for the occupational license or government
101 certification under another statute, or worked the length of
102 time required for licensure or certification by endorsement by
103 rule of the applicable board adopted before January 1, 2023,
104 whichever is greater.

105 3. A board for the other licensing entity required the
106 applicant to meet at least two of the following three
107 requirements:

108 a. Pass an examination.

109 b. Meet specified education or training standards.

110 c. Meet specified experience standards.

111 4. A board for the other licensing entity holds the
112 applicant in good standing.

113 5. The applicant does not have a criminal record or
114 professional disciplinary action in any jurisdiction that would
115 disqualify the applicant from licensure in this state, as
116 determined by the appropriate board; and the applicant has met

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117 the general background screening requirements under s. 456.0135,
118 if applicable.

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

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

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

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

138 10. For an applicant seeking licensure as a dentist or
139 dental hygienist, he or she has graduated from a school approved
140 by the Commission on Dental Accreditation.

141 (b) If another licensing entity issued the applicant a
142 government certification but an occupational license is required
143 in this state to perform a lawful occupation, the applicable
144 board must issue an occupational license to the applicant if the
145 applicant otherwise satisfies paragraph (a).

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

151 (a) The applicant worked in a state that does not issue an
152 occupational license or a government certification to regulate a
153 lawful occupation or was a member of the military, but this
154 state issues an occupational license or a government
155 certification to regulate a lawful occupation with a similar
156 scope of practice, as determined by the board.

157 (b) The applicant has worked in the lawful occupation for
158 at least 3 years, worked the length of time required for
159 licensure or certification by endorsement for the occupational
160 license or government certification under another statute, or
161 worked the length of time required for licensure or
162 certification by endorsement by rule of the applicable board
163 adopted before January 1, 2023, whichever is greater.

164 (c) The applicant satisfies subparagraphs (3) (a) 5.-10.

165 (5) RECOGNIZED PRIVATE CERTIFICATION.—Notwithstanding any
166 other law, except as provided in subsection (6), a board must
167 issue an occupational license or a government certification to
168 an applicant for such license or certification based on the
169 applicant holding a recognized private certification and the
170 applicant's work experience outside of this state or in the
171 military if all of the following apply:

172 (a) The applicant holds a recognized private certification
173 and worked in a state that does not issue an occupational
174 license or a government certification to regulate a lawful

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175 occupation or was a member of the military, but an occupational
176 license is required in this state for such lawful occupation, as
177 determined by the board.

178 (b) The applicant worked for at least 2 years, worked the
179 length of time required for licensure or certification by
180 endorsement for the occupational license or government
181 certification under another statute, or worked the length of
182 time required for licensure or certification by endorsement by
183 rule of the applicable board adopted before January 1, 2023,
184 whichever is greater.

185 (c) The applicant holds a current and valid recognized
186 private certification in the lawful occupation.

187 (d) The recognized private certification organization holds
188 the applicant in good standing.

189 (e) The applicant satisfies subparagraphs (3) (a) 5.-10.

190 (6) ADDITIONAL REQUIREMENTS.—

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

195 (b) In addition to the examination described in paragraph
196 (a), a board must require an applicant seeking to be licensed as
197 a general contractor, building contractor, residential
198 contractor, roofing contractor, specialty structure contractor,
199 glass and glazing contractor, commercial pool/spa contractor,
200 residential pool/spa contractor, or swimming pool/spa servicing
201 contractor to:

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

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204 2. Before being issued a certificate or registration,
205 successfully complete the following continuing education
206 courses, either in person or online:

207 a. For applicants seeking to be licensed as a commercial
208 pool/spa contractor, residential pool/spa contractor, or
209 swimming pool/spa servicing contractor, 2 hours of coursework on
210 the Florida Building Code which includes 1 hour on swimming
211 pool/spa electrical requirements and 1 hour of a swimming
212 pool/spa advanced module; or

213 b.(I) The number of required hours, as determined by the
214 Construction Industry Licensing Board, relating to laws and
215 rules related to the construction industry under this chapter
216 and part I of chapter 489 and the rules of the Construction
217 Industry Licensing Board, relating to wind mitigation
218 methodology and techniques incorporated in the Florida Building
219 Code; and

220 (II) For applicants seeking to be licensed as a general
221 contractor, building contractor, residential contractor, or
222 roofing contractor, a 2-hour course on the Florida Building Code
223 which includes information on wind mitigation techniques.

224 (c) Notwithstanding any other provision in this section, a
225 board for an occupation regulated under chapter 457, chapter
226 458, chapter 459, chapter 460, or chapter 461 shall require an
227 applicant to meet the requirements of s. 457.105, s. 458.313, s.
228 459.0055, s. 460.406, or s. 461.006, as applicable, before
229 issuing an occupational license or a government certification to
230 practice acupuncture, oriental medicine, medicine, osteopathic
231 medicine, chiropractic medicine, or podiatric medicine.

232 (7) PRESUMPTION OF APPROVAL; DECISION.—Unless a board can

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233 demonstrate a substantial difference between the licensure or
234 certification requirements of another licensing entity and this
235 state, there is a presumption that an applicant who holds a
236 valid occupational license, government certification, or
237 recognized private certification, or otherwise meets the
238 requirements to be issued an occupational license for a lawful
239 occupation, and is in good standing with another licensing
240 entity is qualified for an occupational license or a government
241 certification in this state and must be approved by the board. A
242 board shall provide an applicant with a written decision
243 regarding his or her application within 90 days after receipt of
244 a completed application.

245 (8) APPEAL.—

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

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

249 1. Denial of an occupational license or a government
250 certification;

251 2. Determination of the validity of an occupational license
252 or a government certification;

253 3. Determination of the similarity of the scope of practice
254 of the occupational license or government certification held by
255 the applicant; or

256 4. Determination of a disqualifying criminal record.

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

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

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

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262 (10) EXCEPTION.—This section does not apply to an
263 occupation regulated by the Florida Supreme Court or any
264 occupation regulated under chapter 473, relating to public
265 accountancy.

266 (11) CONSTRUCTION.—

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

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

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

279 (d) This section may not be construed to prevent boards in
280 this state from recognizing occupational licenses or government
281 certifications issued by a recognized private certification
282 organization, a foreign province, a foreign country, an
283 international organization, or other entity.

284 (e) This section may not be construed to require a
285 recognized private certification organization to grant or deny
286 recognized private certification to any individual.

287 (12) EMERGENCY POWERS.—

288 (a) During a state of emergency declared by the Governor,
289 the Governor may order the recognition of occupational licenses
290 from other licensing entities.

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

295 (13) ANNUAL REPORT.—Each board shall submit an annual
296 report to the President of the Senate and the Speaker of the
297 House of Representatives, and publish the report on its
298 respective website, by December 31 of each year, detailing the
299 number of applications for licenses or certifications submitted
300 pursuant to this section, the number of licenses or
301 certifications issued pursuant to this section, and the number
302 of completed applications submitted pursuant to this section
303 which were denied and the reason for each denial.

304 (14) RULEMAKING.—

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

308 (b) Each board shall adopt rules for determining whether a
309 scope of practice or examination is similar to the scope of
310 practice of, or examination for, a lawful occupation regulated
311 by the board in this state.

312 (15) VETERANS ONLINE PORTAL.—Contingent upon the
313 appropriation of funds for that purpose by the Legislature, the
314 Department of Veterans' Affairs shall establish a one-stop
315 online portal system that allows former and present members of
316 the military and their dependents to enter and verify their
317 military credentials, government certifications, occupational
318 licenses, or recognized private certifications. The Department
319 of Business and Professional Regulation and the Department of

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320 Health shall, for the boards under their respective
321 jurisdiction, use this system to verify credentials for
322 applicants under this section.

323 Section 2. Section 456.0365, Florida Statutes, is created
324 to read:

325 456.0365 Applicability of the Interstate-Mobility and
326 Universal-Recognition Occupational Licensing Act.—Except as
327 provided in s. 455.2135(10), s. 455.2135 applies to professions
328 regulated by the department under this chapter.

329 Section 3. This act shall take effect July 1, 2024.