

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1366

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government;
Regulated Industries Committee; and Senator Collins

SUBJECT: Fees/Interstate-Mobility and Universal-Recognition Occupational Licensing Act

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Kraemer</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1366 authorizes licensing boards that issue licenses pursuant to the Interstate-Mobility and Universal-Recognition Occupational Licensing Act (act), created by CS/CS/SB 1364, to charge a fee to applicants for an occupational license or government certification, in order to recoup a board's costs, not to exceed \$100 for each application.

The affected boards issue licenses pursuant to ch. 455, F.S., relating to the regulations of professions by the Department of Business and Professional Regulation (DBPR), or ch. 456, F.S., relating to the regulation of professions by the Department of Health (DOH).

CS/CS/SB 1364 is a linked bill that creates s. 455.2135, F.S. to address occupational license portability in the United States by requiring Florida licensing boards to issue occupational licenses or government certifications to eligible individuals, under certain circumstances. The bill may have an indeterminate negative fiscal impact to the DBPR and the DOH, which may be offset by the collection of a fee not to exceed \$100 for an occupational license or government certification application.

This bill has an indeterminate fiscal impact on state revenues and expenditures. See Section V, Fiscal Impact Statement.

Because this bill authorizes a new state fee, it will require a two-thirds vote of each house in order to pass.

The bill is effective on the same date that CS/CS/SB 1364 or similar legislation takes effect, if such legislation is adopted in the same legislative session or any extension and becomes a law.

II. Present Situation:

For each license issued, the DBPR charges an initial license fee and license renewal fee set by the applicable board or by the DBPR if there is no board for the profession.¹ The DBPR also imposes a \$5 unlicensed activity fee on each occupational license, in order to fund efforts to combat unlicensed activity.² Renewal fees may be imposed for a two-year (biennial) or four-year license, if authorized by the DBPR.³ Collected fees are paid into the Professional Regulation Trust Fund.⁴

For each license issued, the DOH charges an initial license fee and license renewal fee set by the applicable board or by the DOH if there is no board for the profession.⁵ The DOH also imposes a \$5 unlicensed activity fee on each occupational license, in order to fund efforts to combat unlicensed activity.⁶ Renewal fees may be imposed for a two-year (biennial) or four-year license, if authorized by the DOH.⁷ Collected fees are paid into a trust fund used by the DOH to implement ch. 456, F.S., relating to health professions and occupations.⁸

The linked bill, CS/SB 1364, addresses occupational license portability in the United States by requiring Florida licensing boards that issue occupational licenses or government certifications to individuals under ch. 455, F.S., relating to the regulations of professions by the DBPR, or ch. 456, F.S., relating to the regulation of professions by the DOH, to issue an occupational license or government certification (universal license) to eligible applicants, under certain circumstances (universal licensing requirement), as follows:

- The universal licensing requirement does not apply to occupations regulated by the Florida Supreme Court, certified public accountants, and other credentials, such as those used for medical board certification;
- Applicants may seek a universal license through one of three pathways described in the bill:
 - Universal licensing if licensed by another licensing entity;
 - Universal licensing based on work experience in another state or the military;
 - Universal licensing based on private certification with work experience in a non-licensing state or the military.
- An applicant with a valid occupational license or certification in good standing, or who otherwise meets the requirements for an occupational license for a lawful occupation, is

¹ See s. 455.213, F.S.

² See s. 455.2281, F.S.

³ See s. 455.203(1), F.S.

⁴ See s. 455.219(3), F.S.

⁵ See s. 456.013, F.S.

⁶ See s. 456.065, F.S.

⁷ See s. 456.004(1), F.S.

⁸ See s. 456.025(8), F.S.

presumed to be qualified for, and must be issued, an occupational license or government certification by the appropriate Florida licensing board.

- During a declared state of emergency, the Governor may order the recognition of occupational licenses from outside Florida or from a foreign country as if the licenses were issued in Florida, may expand any occupation license scope of practice, and authorize licensees to provide services in Florida in person, telephonically, or by other means for the duration of the emergency.

III. Effect of Proposed Changes:

The bill authorizes licensing boards that issue licenses pursuant to the Interstate-Mobility and Universal-Recognition Occupational Licensing Act, created by CS/CS/SB 1364, to charge a fee to applicants for an occupational license or government certification, in order to recoup a board's costs, not to exceed \$100 for each application.

The affected boards issue licenses pursuant to ch. 455, F.S., or ch. 456, F.S., pursuant to s. 455.2135, F.S., as created by CS/CS/SB 1364.

CS/CS/SB 1364 is a linked bill that addresses occupational license portability in the United States by requiring Florida licensing boards that issue occupational licenses or government certifications to individuals, under certain circumstances.

Successful applicants who are issued licenses in Florida by the DBPR will be subject to the fees authorized under s. 455.219, F.S., and those licensed by the DOH will be subject to the fees authorized under s. 456.025, F.S.

The bill is effective on the same date that CS/CS/SB 1364 or similar legislation takes effect, if such legislation is adopted in the same legislative session or any extension and becomes a law. CS/CS/SB 1364 is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to

be approved by a 2/3 vote of each chamber of the legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

For purposes of this limitation, the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill requires certain licensing boards to establish a fee for licensure of eligible applicants licensed or certified to work in occupations or professions outside Florida, to perform such work in this state, as authorized in s. 455.2135, F.S., created by linked bill CS/CS/SB 1364, establishing the Interstate-Mobility and Universal-Recognition Occupational Licensing Act.

B. Private Sector Impact:

Beginning July 1, 2024, persons who are licensed or certified to work in occupations or professions outside Florida, if eligible to do so pursuant to s. 455.2135, F.S., created by the act, will be required to pay an application fee up to \$100 to be able to be licensed to perform such work in Florida.

C. Government Sector Impact:

This bill is linked to CS/CS/SB 1364 (2023 Regular Session) which requires Florida licensing boards of the Department of Business and Professional Regulation and the Department of Health to issue occupational licenses or government certifications to eligible applicants, under certain circumstances. According to the DBPR and the DOH, the creation of an additional application procedure for eligible individuals licensed outside Florida will result in a fiscal impact on their respective operations, revenues, and expenditures. The DBPR estimates it will need an additional 43 full-time positions (FTE) and associated costs of \$4.7 million to implement the provisions of CS/CS/SB 1364. The DOH estimates it will need 13 FTEs and associated costs totaling \$2.5 million.

CS/CS/SB 1366 authorizes licensing boards to charge a fee to applicants for an occupational license or government certification, in order to recoup a board’s costs, not to exceed \$100 for each application. The number of individuals who will apply for licensure under the provisions of CS/CS/SB 1364 is unknown and also it is indeterminate as to whether sufficient fees could be generated to cover the total program costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 455.2135 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations Committee on Agriculture, Environment, and General Government on April 18, 2023:

The committee substitute revises the subsection number to conform to the linked bill (CS/CS/SB 1364).

CS by Regulated Industries Committee on March 21, 2023:

The CS inserts the bill number for the linked bill (SB 1364, Interstate-Mobility and Universal-Recognition Occupational Licensing Act), into the bill, and revises the subsection number to conform to the linked bill.

B. Amendments:

None.