By the Committee on Regulated Industries; and Senators Collins, Burgess, and Calatayud

A bill to be entitled
An act relating to the Interstate-Mobility and Universal-Recognition Occupational Licensing Act; creating s. 455.2135, F.S.; providing a short title; defining terms; requiring certain agencies, boards, departments, and other governmental entities to issue an occupational license or a government certification to applicants under certain circumstances; authorizing such entities to require an applicant to pass a specified examination under certain circumstances; requiring such entities to require certain applicants to complete a specified examination and certain education requirements; providing a presumption that the applications of certain individuals will be approved; requiring licensing entities to provide a written decision to an applicant within a specified timeframe; authorizing an applicant to appeal a decision made under the act; specifying that an applicant licensed or certified under the act is still subject to specified laws and entities; providing exceptions; providing construction; authorizing the Governor to take certain actions relating to occupational licenses during declared states of emergency; requiring licensing entities to submit an annual report to the Legislature by a specified date; requiring the Department of Business and Professional Regulation and the Department of Health to adopt rules; creating s. 456.0365, F.S.; providing applicability; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

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 Licensing Act.”

(2) DEFINITIONS.—As used in this section, the term:
(a) “Board” means an agency, a board, a department, or another governmental entity that regulates a lawful occupation under this chapter or chapter 456 and issues an occupational license or a government certification to an individual. The term does not include any board that regulates an occupation listed under subsection (10).
(b) “Government certification” means a voluntary, government-granted, and nontransferable recognition granted to an individual who meets personal qualifications related to a lawful occupation. The term includes a military certification for a lawful occupation.
(c) “Lawful occupation” means a course of conduct, pursuit, or profession that includes the lawful sale of goods or services, regardless of whether the individual selling them is subject to an occupational license.
(d) “Military” means the Armed Forces of the United States, including the Air Force, Army, Coast Guard, Marine Corps, Navy, Space Force, National Guard, and all reserve components and...
auxiliaries. The term also includes the military reserves and militia of any United States territory or state.

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

(f) “Other licensing entity” or “another licensing entity” means any United States territory, state other than this state, private certification organization, foreign province, foreign country, international organization, or other entity that issues occupational licenses or government certifications. The term includes the military.

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

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

(3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. REQUIRED EXAMINATIONS AND EDUCATION.—

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

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

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

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

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

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

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

(8) APPEAL.—

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

(b) The applicant may appeal the board’s:

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

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

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

4. Determination of a disqualifying criminal record.

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

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

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

(11) CONSTRUCTION.—

(a) This section may not be construed to prohibit an
individual from applying for an occupational license or a
government certification under another law or rule.
(b) An occupational license or a government certification
issued pursuant to this section is valid only in this state.
Such license or certification does not make the individual
eligible to work outside this state under an interstate compact
or a reciprocity agreement unless otherwise provided in law.
(c) This section may not be construed to prevent this state
from entering into a licensing compact or reciprocity agreement
with another state, United States territory, foreign province,
foreign country, international organization, or other entity.
(d) This section may not be construed to prevent boards in
this state from recognizing occupational licenses or government
certifications issued by a private certification organization,
foreign province, foreign country, international organization,
or other entity.

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

(12) EMERGENCY POWERS.—
(a) During a state of emergency declared by the Governor, the Governor may order the recognition of occupational licenses from other licensing entities.

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

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

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

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

456.0365 Applicability of the Interstate-Mobility and Universal-Recognition Occupational Licensing Act.—Except as provided in s. 455.2135(10), s. 455.2135 applies to professions regulated by the department under this chapter.
Section 3. This act shall take effect July 1, 2023.