

THE FLORIDA SENATE
2024 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/SB 1600 — Interstate Mobility

by Fiscal Policy Committee and Senator Collins

The bill seeks to streamline the Florida licensure process for persons licensed in similar professions by other U.S. states or territories, under specified criteria and processes provided in the bill.

Professions Regulated by the Department of Business and Professional Regulation

The bill requires that before a regulatory board within the Department of Business and Professional Regulation (DBPR), or the DBPR if there is no board, may deny an application for licensure by reciprocity or by endorsement, the board, or the DBPR if there is no board, must make a finding that the basis license in another jurisdiction is or is not substantially equivalent to or is otherwise insufficient for a license in this state. The bill defines “basis license” to mean the license or the licensure requirements of another jurisdiction which are used to meet the requirements for a license in this state.

The bill requires that if a board, or DBPR if there is no board, finds that the basis license of an applicant from another jurisdiction is not substantially equivalent to, or is otherwise insufficient for a license in Florida, and there are no other grounds for denial, the applicant may request the finding be reviewed by the DBPR secretary, whose review is final under the bill.

The bill requires the regulatory boards in the DBPR, or the DBPR itself if there is no board, when endorsement based upon years of licensure or endorsement based upon satisfaction or completion of multiple criteria is not otherwise provided by law in the practice act for a profession, the board, or the DBPR if there is no board, must allow licensure by endorsement for any applicant who meets specified criteria, except that these provisions do not apply to harbor pilots.

The bill provides that, if the practice act for a profession requires the submission of fingerprints, the applicant must submit a complete set of fingerprints to the Florida Department of Law Enforcement (FDLE) for a statewide criminal history check. The FDLE must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The DBPR must, and the applicable board may, review the results of the criminal history checks according to Level 2 screening standards and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing must be borne by the applicant. If the applicant’s fingerprints are submitted through an authorized agency or vendor, the agency or vendor must collect the required processing fees and remit the fees to the FDLE.

Professions Regulated by the Department of Health

The bill also creates the “Mobile Opportunity by Interstate Licensure Endorsement Act,” or “MOBILE Act,” which requires the Department of Health (DOH) to issue a license by

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endorsement to a qualified applicant within seven days of receipt of all required documents for specified health care professions regulated by the DOH when the applicant meets all of the following specific criteria:

- Submits a complete application;
- Holds an active, unencumbered license issued by another state, the District of Columbia, or a territory of the U.S. in a profession with a similar scope of practice, as determined by the board or the DOH, as applicable;
- Has obtained a passing score on a national licensure examination or holds a national certification recognized by the board, or the DOH if there is no board, as applicable to the profession for which the applicant is seeking licensure, except that this criterion is waived if the profession applied for does not require a national examination or national certification and the applicable board, or the DOH if there is no board, determines that the jurisdiction in which the applicant currently holds an active, unencumbered license meets established minimum education requirements and the work experience and clinical supervision requirements are substantially similar to the requirements for licensure in that profession in Florida;
- Has actively practiced the profession for at least three years during the four-year period immediately preceding the application submission;
- Attests that he or she is not, at the time of application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the U.S. Department of Defense for reasons related to the practice of the profession for which he or she is applying;
- Has not had disciplinary action taken against him or her in the five years preceding the application submission application;
- Meets applicable financial responsibility requirements; and
- Submits a set of fingerprints for a background screening if required for the profession for which he or she is applying.

The bill requires the DOH to verify the information above submitted by the applicant using the National Practitioner Data Bank.

The bill defines a person as ineligible for a license under the MOBILE Act if he or she:

- Has a complaint, an allegation, or an investigation pending before a licensing entity in another state, the District of Columbia, or a territory of the U.S.;
- Has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession;
- Has had a health care provider license revoked or suspended by another state, the District of Columbia, or a possession or territory of the U.S., or has voluntarily surrendered any license in lieu of having disciplinary action taken against the license; or
- Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed.

The bill authorizes the board, or the DOH if there is no board, to revoke a license upon finding that the licensee provided false or misleading material information or intentionally omitted

material information in an application. The bill authorizes the board, or the DOH if there is no board, to require an applicant to successfully complete a state jurisprudential examination on Florida laws and rules that regulate the applicable profession, if the applicable practice act requires such examination.

The bill requires the DOH to submit an annual report by December 31 to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides all of the following information for the previous fiscal year, distinguished by profession:

- The number of applications for licensure received under the MOBILE Act;
- The number of licenses issued under the MOBILE Act;
- The number of applications submitted under the MOBILE Act which were denied and the reason for such denials; and
- The number of complaints, investigations, or other disciplinary actions taken against health care practitioners who are licensed under the MOBILE Act.

The bill requires each applicable board, or the DOH if there is no board, to adopt rules to implement the MOBILE Act within six months after its effective date, including rules relating to legislative intent provided under s. 456.025(1), F.S., and the requirements of s. 456.025(3), F.S., both of which contain provisions for the assessment of fees from applicants and licensees in health care professions.

The bill amends current law for licensure by endorsement in various practice acts to conform to provisions found in the MOBILE Act and to retain statutory guidance for the maximum amounts of related fees. The bill does not alter current law relating to licensure by endorsement for radiologist assistants, radiologic technologists, or respiratory therapists.

The bill provides that, notwithstanding the changes made to the Florida Statutes by the MOBILE Act, a board or the DOH, as applicable, may continue processing applications for licensure by endorsement as authorized under the Florida Statutes (2023) until the rules adopted by such board or the DOH to implement the changes made by the MOBILE Act take effect or until six months after the bill's effective date, whichever occurs first.

If approved by the Governor, or allowed to become law without the Governor's signature, the bill takes effect July 1, 2024.

Vote: Senate 32-0; House 114-0