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 government certification to
persons under certain circumstances; authorizing such
entities to require a person to pass a specified
examination under certain circumstances; providing a
presumption that the applications of certain
individuals will be approved; requiring such entities
to provide a written decision to an applicant within a
specified timeframe; authorizing a person to appeal a
decision made under the act; specifying that a person
licensed or certified under the act is still subject
to specified laws and entities; providing
construction; authorizing the Governor to take certain
actions relating to occupational licenses during
declared states of emergency; requiring such entities
to submit an annual report to the Legislature by a
specified date; 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.
14-01118B-23

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, board, department, or other governmental entity that regulates a lawful occupation under this chapter or chapter 456 and issues an occupational license or government certification to an individual.
   (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. The term does not include credentials, such as those used for medical board certification or held by a certified public accountant, that are prerequisites to working lawfully in an occupation.
   (c) “Lawful occupation” means a course of conduct, pursuit, or profession that includes lawful the sale of goods or services to sell 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 exclusively 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 or state in the United States other than this state which 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 a person may perform under an occupational license or 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 government certification to a person applying to a board for such license or certification if all of the following apply:

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

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

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

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

5. The person 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 person’s occupational license or government certification because of negligence or intentional misconduct related to the person’s work in the occupation.

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

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

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

(b) If another licensing entity issued the person a government certification but this state requires an occupational license to work, a board must issue an occupational license to the person if the person otherwise satisfies paragraph (a).

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

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

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

(c) The person satisfies paragraph (3)(a).

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

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

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

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

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

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

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

(7) PRESUMPTION OF APPROVAL; DECISION.—Unless a board can demonstrate a substantial difference between 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 credentialed for a lawful occupation, and is in good standing in another state is qualified for an occupational license or 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 receiving a complete application.

(8) APPEAL.—

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

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

1. Denial of an occupational license or government certification;

2. Determination of the occupation;

3. Determination of the similarity of the scope of practice of the occupational license or government certification issued; or

CODING: Words stricken are deletions; words underlined are additions.
4. Other determinations made under this section.

(9) STATE LAWS AND JURISDICTION.—A person 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 board in this state.

(10) EXCEPTION.—This section does not apply to an occupation regulated by the Florida Supreme Court.

(11) CONSTRUCTION.—

(a) This section may not be construed to prohibit a person 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 person eligible to work in another 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, foreign province, foreign country, international organization, or other entity.

(d) This section may not be construed to prevent this state from recognizing occupational credentials 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 or from a foreign country as if the licenses were issued in this state.

(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) 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 applications submitted pursuant to this section which were denied, and the reason for each denial.

Section 2. This act shall take effect July 1, 2023.