

By Senator Collins

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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 government certification to
8 persons under certain circumstances; authorizing such
9 entities to require a person to pass a specified
10 examination under certain circumstances; providing a
11 presumption that the applications of certain
12 individuals will be approved; requiring such entities
13 to provide a written decision to an applicant within a
14 specified timeframe; authorizing a person to appeal a
15 decision made under the act; specifying that a person
16 licensed or certified under the act is still subject
17 to specified laws and entities; providing
18 construction; authorizing the Governor to take certain
19 actions relating to occupational licenses during
20 declared states of emergency; requiring such entities
21 to submit an annual report to the Legislature by a
22 specified date; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 455.2135, Florida Statutes, is created
27 to read:

28 455.2135 Interstate-Mobility and Universal-Recognition
29 Occupational Licensing Act.-

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30 (1) SHORT TITLE.—This section may be cited as the
31 “Interstate-Mobility and Universal-Recognition Occupational
32 Licensing Act.”

33 (2) DEFINITIONS.—As used in this section, the term:

34 (a) “Board” means an agency, board, department, or other
35 governmental entity that regulates a lawful occupation under
36 this chapter or chapter 456 and issues an occupational license
37 or government certification to an individual.

38 (b) “Government certification” means a voluntary,
39 government-granted, and nontransferable recognition granted to
40 an individual who meets personal qualifications related to a
41 lawful occupation. The term includes a military certification
42 for a lawful occupation. The term does not include credentials,
43 such as those used for medical board certification or held by a
44 certified public accountant, that are prerequisites to working
45 lawfully in an occupation.

46 (c) “Lawful occupation” means a course of conduct, pursuit,
47 or profession that includes lawful the sale of goods or services
48 to sell regardless of whether the individual selling them is
49 subject to an occupational license.

50 (d) “Military” means the Armed Forces of the United States,
51 including the Air Force, Army, Coast Guard, Marine Corps, Navy,
52 Space Force, National Guard, and all reserve components and
53 auxiliaries. The term also includes the military reserves and
54 militia of any United States territory or state.

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

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59 (f) "Other licensing entity" or "another licensing entity"
60 means any United States territory or state in the United States
61 other than this state which issues occupational licenses or
62 government certifications. The term includes the military.

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

68 (h) "Scope of practice" means the procedures, actions,
69 processes, and work that a person may perform under an
70 occupational license or government certification issued in this
71 state.

72 (3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.-

73 (a) Notwithstanding any other law, a board must issue an
74 occupational license or government certification to a person
75 applying to a board for such license or certification if all of
76 the following apply:

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

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

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

87 4. A board for the other licensing entity holds the person

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88 in good standing.

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

91 6. A board for another licensing entity has not revoked the
92 person's occupational license or government certification
93 because of negligence or intentional misconduct related to the
94 person's work in the occupation.

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

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

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

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

115 (4) WORK EXPERIENCE.—Notwithstanding any other law, a board
116 must issue an occupational license or government certification

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117 to a person applying to the board for such license or
118 certification based on work experience in another state or the
119 military if all of the following apply:

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

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

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

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

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

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

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

145 (d) The private certification organization holds the person

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146 in good standing.

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

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

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

165 (8) APPEAL.—

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

168 (b) The person may appeal the board's:

169 1. Denial of an occupational license or government
170 certification;
171 2. Determination of the occupation;
172 3. Determination of the similarity of the scope of practice
173 of the occupational license or government certification issued;
174 or

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175 4. Other determinations made under this section.

176 (9) STATE LAWS AND JURISDICTION.—A person who obtains an
177 occupational license or a government certification pursuant to
178 this section is subject to:

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

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

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

183 (11) CONSTRUCTION.—

184 (a) This section may not be construed to prohibit a person
185 from applying for an occupational license or a government
186 certification under another law or rule.

187 (b) An occupational license or a government certification
188 issued pursuant to this section is valid only in this state.
189 Such license or certification does not make the person eligible
190 to work in another state under an interstate compact or a
191 reciprocity agreement unless otherwise provided in law.

192 (c) This section may not be construed to prevent this state
193 from entering into a licensing compact or reciprocity agreement
194 with another state, foreign province, foreign country,
195 international organization, or other entity.

196 (d) This section may not be construed to prevent this state
197 from recognizing occupational credentials issued by a private
198 certification organization, foreign province, foreign country,
199 international organization, or other entity.

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

203 (12) EMERGENCY POWERS.—

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204 (a) During a state of emergency declared by the Governor,
205 the Governor may order the recognition of occupational licenses
206 from other licensing entities or from a foreign country as if
207 the licenses were issued in this state.

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

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

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