

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.-

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,
 47 pursuit, or profession that includes lawful the sale of goods or
 48 services to sell regardless of whether the individual selling
 49 them is subject to an occupational license.

50 (d) "Military" means the Armed Forces of the United

51 States, including the Air Force, Army, Coast Guard, Marine
 52 Corps, Navy, Space Force, National Guard, and all reserve
 53 components and auxiliaries. The term also includes the military
 54 reserves and 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.

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
88 | in good standing.

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

91 | 6. A board for another licensing entity has not revoked
92 | the 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
116 board must issue an occupational license or government
117 certification to a person applying to the board for such license
118 or certification based on work experience in another state or
119 the 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,
130 a 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
146 person in good standing.

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

148 (6) STATE EXAMINATION.—A board may require a person to
149 pass a jurisprudential examination specific to relevant state
150 laws 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
 173 practice of the occupational license or government certification
 174 issued; or

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
 193 state from entering into a licensing compact or reciprocity
 194 agreement with another state, foreign province, foreign country,
 195 international organization, or other entity.

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

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) ANNUAL REPORT.—Each board shall submit an annual
 213 report to the President of the Senate and the Speaker of the
 214 House of Representatives by December 31 of each year, detailing
 215 the 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.