

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 exceptions;  
18          providing construction; authorizing the Governor to  
19          take certain actions relating to occupational licenses  
20          during declared states of emergency; requiring such  
21          entities to submit an annual report to the Legislature  
22          by a specified date; requiring the Department of  
23          Veterans Affairs, contingent upon appropriations from  
24          the Legislature, to create a one-stop online portal  
25          system for a certain purpose; requiring the Department

26 of Business and Professional Regulation and the  
 27 Department of Health to use such system to verify  
 28 certain credentials; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:

32 Section 1. Section 455.2135, Florida Statutes, is created  
 33 to read:

34 455.2135 Interstate-Mobility and Universal-Recognition  
 35 Occupational Licensing Act.—

36 (1) SHORT TITLE.—This section may be cited as the  
 37 "Interstate-Mobility and Universal-Recognition Occupational  
 38 Licensing Act."

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

40 (a) "Board" means an agency, board, department, or other  
 41 governmental entity that regulates a lawful occupation under  
 42 this chapter or chapter 456 and issues an occupational license  
 43 or government certification to an individual.

44 (b) "Government certification" means a voluntary,  
 45 government-granted, and nontransferable recognition granted to  
 46 an individual who meets personal qualifications related to a  
 47 lawful occupation. The term includes a military certification  
 48 for a lawful occupation. The term does not include credentials,  
 49 such as those used for medical board certification or held by a  
 50 certified public accountant, that are prerequisites to working

51 lawfully in an occupation.

52 (c) "Lawful occupation" means a course of conduct,  
53 pursuit, or profession that includes lawful the sale of goods or  
54 services to sell regardless of whether the individual selling  
55 them is subject to an occupational license.

56 (d) "Military" means the Armed Forces of the United  
57 States, including the Air Force, Army, Coast Guard, Marine  
58 Corps, Navy, Space Force, National Guard, and all reserve  
59 components and auxiliaries. The term also includes the military  
60 reserves and militia of any United States territory or state.

61 (e) "Occupational license" means a nontransferable  
62 authorization in law for an individual to exclusively perform a  
63 lawful occupation based on meeting personal qualifications. The  
64 term includes a military occupational specialty.

65 (f) "Other licensing entity" or "another licensing entity"  
66 means any United States territory or state in the United States  
67 other than this state which issues occupational licenses or  
68 government certifications. The term includes the military.

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

74 (h) "Scope of practice" means the procedures, actions,  
75 processes, and work that a person may perform under an

76 occupational license or government certification issued in this  
77 state.

78 (3) OCCUPATIONAL LICENSE OR GOVERNMENT CERTIFICATION.—

79 (a) Notwithstanding any other law, a board must issue an  
80 occupational license or government certification to a person  
81 applying to a board for such license or certification if all of  
82 the following apply:

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

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

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

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

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

97 6. A board for another licensing entity has not revoked  
98 the person's occupational license or government certification  
99 because of negligence or intentional misconduct related to the  
100 person's work in the occupation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

171        (8) APPEAL.—

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

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

175        1. Denial of an occupational license or government

176 certification;  
 177 2. Determination of the occupation;  
 178 3. Determination of the similarity of the scope of  
 179 practice of the occupational license or government certification  
 180 issued; or  
 181 4. Other determinations made under this section.  
 182 (9) STATE LAWS AND JURISDICTION.—A person who obtains an  
 183 occupational license or a government certification pursuant to  
 184 this section is subject to:  
 185 (a) The laws regulating the occupation in this state; and  
 186 (b) The jurisdiction of the board in this state.  
 187 (10) EXCEPTIONS.—This section does not apply to any of the  
 188 following:  
 189 (a) Any occupation regulated by the Florida Supreme Court.  
 190 (b) Acupuncturists regulated under chapter 457.  
 191 (c) Physicians regulated under chapter 458.  
 192 (d) Osteopathic physicians regulated under chapter 459.  
 193 (e) Chiropractic physicians regulated under chapter 460.  
 194 (f) Podiatric physicians regulated under chapter 461.  
 195 (g) Certified optometrists regulated under chapter 463.  
 196 (h) Dentists and dental hygienists regulated under chapter  
 197 466.  
 198 (i) Professional engineers regulated under chapter 471.  
 199 (j) Certified public accountants regulated under chapter  
 200 473.

- 201        (k) Advanced registered nurse practitioners regulated  
 202 under chapter 464.
- 203        (l) Psychologists regulated under chapter 490.
- 204        (m) Real estate agents and brokers regulated under chapter  
 205 475.
- 206        (n) Architects regulated under part I of chapter 481.
- 207        (o) Landscape architects regulated under part II of  
 208 chapter 481.
- 209        (p) Professional geologists regulated under chapter 492.
- 210        (q) Physical therapists and physical therapy assistants  
 211 regulated under chapter 486.
- 212        (r) General contractors, building contractors, residential  
 213 contractors, roofing contractors, specialty structure  
 214 contractors, glass and glazing contractors, electrical  
 215 contractors, and alarm system contractors regulated under  
 216 chapter 489.
- 217        (s) Clinical social workers, marriage and family  
 218 therapists, and mental health counselors regulated under chapter  
 219 491.
- 220        (t) Funeral directors regulated under chapter 497.
- 221        (11) CONSTRUCTION.—
- 222        (a) This section may not be construed to prohibit a person  
 223 from applying for an occupational license or a government  
 224 certification under another law or rule.
- 225        (b) An occupational license or a government certification

226 issued pursuant to this section is valid only in this state.  
227 Such license or certification does not make the person eligible  
228 to work in another state under an interstate compact or a  
229 reciprocity agreement unless otherwise provided in law.

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

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

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

241 (12) EMERGENCY POWERS.—

242 (a) During a state of emergency declared by the Governor,  
243 the Governor may order the recognition of occupational licenses  
244 from other licensing entities or from a foreign country as if  
245 the licenses were issued in this state.

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

250 (13) ANNUAL REPORT.—Each board shall submit an annual

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251 report to the President of the Senate and the Speaker of the  
252 House of Representatives by December 31 of each year, detailing  
253 the number of licenses or certifications issued pursuant to this  
254 section, the number of applications submitted pursuant to this  
255 section which were denied, and the reason for each denial.

256 (14) VETERANS ONLINE PORTAL SYSTEM.—Contingent upon the  
257 appropriation of funds by the Legislature for such purpose, the  
258 Department of Veterans Affairs shall create a one-stop online  
259 portal system that allows former and present members of the  
260 military and their dependents to enter and verify their military  
261 credentials, government certifications, occupational licenses,  
262 or recognized private certifications. The Department of Business  
263 and Professional Regulation and the Department of Health shall,  
264 for the boards under their respective jurisdictions, use this  
265 system to verify credentials for applicants under this section.

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