

HB 735

2021

1 A bill to be entitled

2 An act relating to preemption of local occupational
3 licensing; creating s. 163.211, F.S.; providing
4 definitions; preempting licensing of occupations to
5 the state; providing exceptions; prohibiting local
6 governments from imposing additional licensing
7 requirements or modifying licensing unless specified
8 conditions are met; specifying that certain local
9 licensing that does not meet specified criteria does
10 not apply and may not be enforced; amending s.
11 489.117, F.S.; specifying that certain specialty
12 contractors are not required to register with the
13 Construction Industry Licensing Board; prohibiting
14 local governments from requiring certain specialty
15 contractors to obtain a license under specified
16 circumstances; specifying job scopes for which a local
17 government may not require a license; amending ss.
18 489.1455 and 489.5335, F.S.; authorizing counties and
19 municipalities to issue certain journeyman licenses;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 163.211, Florida Statutes, is created
25 to read:

26 | 163.211 Licensing of occupations preempted to state.-
 27 | (1) DEFINITIONS.-As used in this section:
 28 | (a) "Licensing" means any training, education, test,
 29 | certification, registration, or license that is required for a
 30 | person to perform an occupation in addition to any associated
 31 | fee.
 32 | (b) "Local government" means a county, municipality,
 33 | special district, or political subdivision of the state.
 34 | (c) "Occupation" means a paid job, profession, work, line
 35 | of work, trade, employment, position, post, career, field,
 36 | vocation, or craft.
 37 | (2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.-The
 38 | licensing of occupations is expressly preempted to the state and
 39 | this section supersedes any local government licensing
 40 | requirement of occupations with the exception of the following:
 41 | (a) Any local government that imposed licenses on
 42 | occupations before January 1, 2021. However, any such local
 43 | government licensing of occupations expires on July 1, 2023.
 44 | (b) Any local government licensing of occupations
 45 | authorized by general law.
 46 | (3) EXISTING LICENSING LIMIT.-A local government that
 47 | licenses occupations and retains such licensing as set forth in
 48 | paragraph (2) (a) may not impose additional licensing
 49 | requirements on that occupation or modify such licensing.
 50 | (4) LOCAL LICENSING NOT AUTHORIZED.-Local licensing of an

51 occupation that is not authorized under this section or
52 otherwise authorized by general law does not apply and may not
53 be enforced.

54 Section 2. Paragraph (a) of subsection (4) of section
55 489.117, Florida Statutes, is amended to read:

56 489.117 Registration; specialty contractors.—

57 (4) (a) A person ~~holding a local license~~ whose job scope
58 does not substantially correspond to either the job scope of one
59 of the contractor categories defined in s. 489.105(3) (a)-(o), or
60 the job scope of one of the certified specialty contractor
61 categories established by board rule, is not required to
62 register with the board ~~to perform contracting activities within~~
63 ~~the scope of such specialty license.~~ A local government, as
64 defined in s. 163.211, may not require a person to obtain a
65 license for a job scope which does not substantially correspond
66 to the job scope of one of the contractor categories defined in
67 s. 489.105(3) (a)-(o) and (q) or authorized in s. 489.1455(1).
68 For purposes of this section, job scopes for which a local
69 government may not require a license include, but are not
70 limited to, painting; flooring; cabinetry; interior remodeling;
71 driveway or tennis court installation; handyman services;
72 decorative stone, tile, marble, granite, or terrazzo
73 installation; plastering; stuccoing; caulking; and canvas awning
74 and ornamental iron installation.

75 Section 3. Section 489.1455, Florida Statutes, is amended

76 | to read:

77 | 489.1455 Journeyman; reciprocity; standards.—

78 | (1) Counties and municipalities are authorized to issue
 79 | journeyman licenses in the plumbing, pipe fitting, mechanical,
 80 | or HVAC trades.

81 | (2)~~(1)~~ An individual who holds a valid, active journeyman
 82 | license in the plumbing, pipe fitting ~~plumbing/pipe fitting,~~
 83 | mechanical, or HVAC trades issued by any county or municipality
 84 | in this state may work as a journeyman in the trade in which he
 85 | or she is licensed in any county or municipality of this state
 86 | without taking an additional examination or paying an additional
 87 | license fee, if he or she:

88 | (a) Has scored at least 70 percent, or after October 1,
 89 | 1997, at least 75 percent, on a proctored journeyman Block and
 90 | Associates examination or other proctored examination approved
 91 | by the board for the trade in which he or she is licensed;

92 | (b) Has completed an apprenticeship program registered
 93 | with a registration agency defined in 29 C.F.R. s. 29.2 and
 94 | demonstrates 4 years' verifiable practical experience in the
 95 | trade for which he or she is licensed, or demonstrates 6 years'
 96 | verifiable practical experience in the trade for which he or she
 97 | is licensed;

98 | (c) Has satisfactorily completed specialized and advanced
 99 | module coursework approved by the Florida Building Commission,
 100 | as part of the building code training program established in s.

101 553.841, specific to the discipline or, pursuant to
 102 authorization by the certifying authority, provides proof of
 103 completion of such coursework within 6 months after such
 104 certification; and

105 (d) Has not had a license suspended or revoked within the
 106 last 5 years.

107 (3)~~(2)~~ A local government may charge a registration fee
 108 for reciprocity, not to exceed \$25.

109 Section 4. Section 489.5335, Florida Statutes, is amended
 110 to read:

111 489.5335 Journeyman; reciprocity; standards.—

112 (1) Counties and municipalities are authorized to issue
 113 journeyman licenses in the electrical and alarm system trades.

114 (2)~~(1)~~ An individual who holds a valid, active journeyman
 115 license in the electrical or alarm system trade issued by any
 116 county or municipality in this state may work as a journeyman in
 117 the trade in which he or she is licensed in any other county or
 118 municipality of this state without taking an additional
 119 examination or paying an additional license fee, if he or she:

120 (a) Has scored at least 70 percent, or after October 1,
 121 1997, at least 75 percent, on a proctored journeyman Block and
 122 Associates examination or other proctored examination approved
 123 by the board for the ~~electrical~~ trade in which he or she is
 124 licensed;

125 (b) Has completed an apprenticeship program registered

HB 735

2021

126 | with a registration agency defined in 29 C.F.R. s. 29.2 and
127 | demonstrates 4 years' verifiable practical experience in the
128 | ~~electrical~~ trade for which he or she is licensed, or
129 | demonstrates 6 years' verifiable practical experience in the
130 | ~~electrical~~ trade for which he or she is licensed;

131 | (c) Has satisfactorily completed specialized and advanced
132 | module coursework approved by the Florida Building Commission,
133 | as part of the building code training program established in s.
134 | 553.841, specific to the discipline, or, pursuant to
135 | authorization by the certifying authority, provides proof of
136 | completion of such curriculum or coursework within 6 months
137 | after such certification; and

138 | (d) Has not had a license suspended or revoked within the
139 | last 5 years.

140 | (3)~~(2)~~ A local government may charge a registration fee
141 | for reciprocity, not to exceed \$25.

142 | Section 5. This act shall take effect July 1, 2021.