

Amendment No. 1

17 (b) "Business entity" has the same meaning as in s.
18 112.312.

19 (c) "Local government" means a county, municipality,
20 special district, or political subdivision of the state.

21 (d) "Occupation" means a paid job, profession, work, line
22 of work, trade, employment, position, post, situation, business,
23 career, field, vocation, calling, or craft, or any other
24 activity undertaken by a person to earn a livelihood.

25 (e) "Profession" means a paid occupation that involves
26 prolonged or specialized training, knowledge, qualifications,
27 and skills. The term includes membership in a professional body
28 that is guided by a certain code of conduct established by the
29 professional body or a certificate of practice to engage in a
30 profession.

31 (f) "Publicly stated" or "published" means the posting of
32 a statement or report on the local government's website 14 days
33 before any publicly noticed meeting to adopt any regulation of a
34 business or business entity, or, if the local government does
35 not have a website, the publishing of a statement or report in
36 the local government's meeting notice or agenda and publicly
37 reading the statement or report at the meeting immediately
38 before the vote to adopt the regulation.

39 (g) "Regulation" means a rule, directive, act, law, bylaw,
40 ordinance, pronouncement, mandate, command, injunction,
41 procedure, requirement, prescription, or guideline, and any

743053 - h0003-strike.docx

Published On: 2/21/2019 10:03:15 AM

Amendment No. 1

42 action or process of regulating or being regulated along with
43 any associated fee.

44 (h) "Transactional costs" are direct costs that are
45 ascertainable based upon standard business practices, and
46 include filing fees, the cost of obtaining a license, the cost
47 of procedures required to be employed in complying with the
48 proposed regulation, additional operating costs incurred, the
49 cost of monitoring and reporting, and any other costs necessary
50 to comply with the proposed regulation.

51 (2) BUSINESS AND BUSINESS ENTITY REGULATION.-On or after
52 July 1, 2019, a local government may not adopt or impose any new
53 regulation that is not expressly authorized by general law on a
54 business or business entity unless:

55 (a) The local government has determined and publicly
56 stated that the regulation is justified because:

57 1. The regulation is necessary to protect the public
58 health, safety, or welfare from significant and discernible harm
59 or damage and that the police power being exercised is only
60 being exercised to the extent necessary for that purpose;

61 2. The regulation is being regulated in a manner that does
62 not unnecessarily restrict entry into the business or adversely
63 affect the availability of the business' services to the public;
64 and

Amendment No. 1

65 3. The least restrictive and most cost-effective
66 regulatory scheme is being used to regulate such business or
67 business entity.

68 (b) The regulation has a sunset date or expires 2 years
69 after the date it was adopted or imposed. The regulation may not
70 be readopted or continue to be imposed without meeting the
71 requirements of this section.

72 (c) The local government has passed the regulation by a
73 two-thirds vote of the entire membership of the governing body.
74 However, a two-thirds vote of the entire membership of the
75 governing body is not required for zoning regulations,
76 regulations that increase building costs by less than \$750,
77 nuisance ordinances, and ordinances related to alcohol or
78 tobacco.

79 (d) The local government has completed a statement of
80 estimated regulatory costs and determined that the regulation
81 does not impose regulatory costs on the business or business
82 entity that could be reduced by the adoption of a less costly
83 alternative. The statement of estimated regulatory costs must be
84 published 14 days before the adoption or imposition of the
85 regulation and must include the following:

86 1. A determination as to whether the overall cost-
87 effectiveness and economic impact of the proposed regulation,
88 including the indirect costs to consumers, will be favorable;

743053 - h0003-strike.docx

Published On: 2/21/2019 10:03:15 AM

Amendment No. 1

89 2. An estimate of the number of businesses or business
90 entities that would be subject to the regulation;

91 3. An estimate of the cost of regulation, including the
92 indirect costs to consumers, and the method proposed to finance
93 the regulation;

94 4. The resources necessary to implement and enforce the
95 proposed regulation, including, but not limited to:

96 a. The anticipated costs to implement and enforce the
97 proposed regulation; and

98 b. The anticipated license fees to cover the anticipated
99 costs;

100 5. The anticipated impact to small businesses as defined
101 in s. 288.703;

102 6. The anticipated impact on business competitiveness,
103 including the ability of persons doing business in the county to
104 compete with persons doing business in other counties or
105 markets;

106 7. The anticipated impact on economic growth and private
107 sector job creation or employment;

108 8. The cost imposed on businesses and business entities as
109 a result of the regulation; and

110 9. A good faith estimate of the transactional costs likely
111 to be incurred by businesses and business entities required to
112 comply with the proposed regulation.

Amendment No. 1

113 (3) EXEMPTION.-Any regulation expressly authorized by
114 general law is exempt from the requirements of this section.

115 (4) REGULATION EXPIRATION.-Any regulation of a business or
116 business entity adopted or imposed before July 1, 2019, expires
117 on July 1, 2021, and may only be readopted or continue to be
118 imposed after meeting the criteria in subsection (2), unless the
119 regulation is expressly authorized by general law.

120 (5) PREEMPTION OF PROFESSIONAL AND OCCUPATIONAL REGULATION
121 AND LICENSING TO THE STATE.-The regulation and licensing of
122 professions and occupations is expressly preempted to the state,
123 and this section supersedes any local government regulation or
124 licensing requirement of professions and occupations with the
125 exception of the following:

126 (a) Any local government regulation of professions or
127 occupations adopted or imposed before July 1, 2019. However, any
128 such regulation expires on July 1, 2021.

129 (b) A regulation expressly authorized by general law or
130 ratified by the Legislature before July 1, 2021.

131 (6) EXISTING REGULATION LIMIT.-A local government with a
132 local regulation concerning a profession or occupation that is
133 retained pursuant to paragraph (5) (a) or paragraph (5) (b) may
134 not impose additional regulations on that profession or
135 occupation or modify such regulation except in accordance with
136 this section.

Amendment No. 1

137 (7) REGULATIONS NOT AUTHORIZED.—Any local regulation of a
138 business, business entity, profession, or occupation that is not
139 authorized under this section or otherwise expressly authorized
140 by general law does not apply and may not be enforced.

141 Section 2. Paragraph (a) of subsection (4) of section
142 489.117, Florida Statutes, is amended to read:

143 489.117 Registration; specialty contractors.—

144 (4) (a) A person ~~holding a local license~~ whose job scope
145 does not substantially correspond to either the job scope of one
146 of the contractor categories defined in s. 489.105(3) (a)-(o), or
147 the job scope of one of the certified specialty contractor
148 categories established by board rule, is not required to
149 register with the board ~~to perform contracting activities within~~
150 ~~the scope of such specialty license.~~ A local government, as
151 defined in s. 163.21(1), may not require a person to obtain a
152 license for a job scope which does not substantially correspond
153 to the job scope of one of the contractor categories defined in
154 s. 489.105(3) (a)-(o) and (q). For purposes of this section, job
155 scopes for which a local jurisdiction may not require a license
156 include, but are not limited to, painting, flooring, cabinetry,
157 interior remodeling, driveway or tennis court installation, and
158 decorative stone, tile, marble, granite, or terrazzo
159 installation, plastering, and stuccoing.

160 Section 3. This act shall take effect July 1, 2019.
161

743053 - h0003-strike.docx

Published On: 2/21/2019 10:03:15 AM

Amendment No. 1

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to preemption of local regulations; creating s.
163.21, F.S.; providing definitions; prohibiting certain local
governments from imposing or adopting certain regulations on
businesses and business entities on or after a specified date
unless expressly authorized by general law; specifying that
certain regulations expire and may only be readopted or continue
to be imposed after meeting specified criteria; specifying that
regulations authorized by general law are exempt from this
section; preempting the regulation and licensing of professions
and occupations to the state; providing exceptions; prohibiting
local governments from imposing additional regulations or
modifying regulations unless specified conditions are met;
specifying that specified local regulations that do not meet
specified criteria do not apply and may not be enforced, unless
authorized by general law; amending s. 489.117, F.S.; specifying
that specified specialty contractors are not required to
register with the Construction Industry Licensing Board;
prohibiting local governments from requiring certain specialty
contractors to obtain a license under specified circumstances;
specifying job scopes for which a local jurisdiction may not
require a license; providing an effective date.

743053 - h0003-strike.docx

Published On: 2/21/2019 10:03:15 AM