

By the Committee on Community Affairs; and Senator Perry

578-03061-20

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1 A bill to be entitled
2 An act relating to preemption of local occupational
3 licensing; creating s. 163.21, F.S.; defining terms;
4 preempting licensing of occupations to the state;
5 providing exceptions; prohibiting local governments
6 from imposing additional licensing requirements or
7 modifying licensing unless specified conditions are
8 met; specifying that certain local licensing that does
9 not meet specified criteria does not apply and may not
10 be enforced; providing construction; 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:

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24 Section 1. Section 163.21, Florida Statutes, is created to
25 read:

26 163.21 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

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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 October 1, 2020.

43 (b) Any local government licensing of occupations
44 authorized by general law.

45 (3) EXISTING LICENSING LIMIT.—A local government that
46 licenses occupations and retains such licensing as set forth in
47 paragraph (2) (a) may not impose additional licensing
48 requirements on that occupation or modify such licensing.

49 (4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an
50 occupation that is not authorized under this section or
51 otherwise authorized by general law does not apply and may not
52 be enforced.

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54 Nothing in this section is intended to prevent or restrict a
55 local government's ability to enact residency requirements for
56 licenses or licensees.

57 Section 2. Paragraph (a) of subsection (4) of section
58 489.117, Florida Statutes, is amended to read:

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59 489.117 Registration; specialty contractors.—

60 (4) (a) A person ~~holding a local license~~ whose job scope
61 does not substantially correspond to either the job scope of one
62 of the contractor categories defined in s. 489.105(3) (a)-(o), or
63 the job scope of one of the certified specialty contractor
64 categories established by board rule, is not required to
65 register with the board ~~to perform contracting activities within~~
66 ~~the scope of such specialty license.~~ A local government, as
67 defined in s. 163.21(1), may not require a person to obtain a
68 license for a job scope which does not substantially correspond
69 to the job scope of one of the contractor categories defined in
70 s. 489.105(3) (a)-(o) and (q) or authorized in s. 489.1455(1).
71 For purposes of this section, job scopes for which a local
72 government may not require a license include, but are not
73 limited to, painting, flooring, cabinetry, interior remodeling,
74 driveway or tennis court installation, decorative stone, tile,
75 marble, granite, or terrazzo installation, plastering,
76 stuccoing, caulking, canvas awning, and ornamental iron
77 installation.

78 Section 3. Section 489.1455, Florida Statutes, is amended
79 to read:

80 489.1455 Journeyman; reciprocity; standards.—

81 (1) Counties and municipalities are authorized to issue
82 journeyman licenses in the plumbing, pipe fitting, mechanical,
83 or HVAC trades.

84 (2)~~(1)~~ An individual who holds a valid, active journeyman
85 license in the plumbing, pipe fitting ~~plumbing/pipe fitting~~,
86 mechanical, or HVAC trades issued by any county or municipality
87 in this state may work as a journeyman in the trade in which he

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88 or she is licensed in any county or municipality of this state
89 without taking an additional examination or paying an additional
90 license fee, if he or she:

91 (a) Has scored at least 70 percent, or after October 1,
92 1997, at least 75 percent, on a proctored journeyman Block and
93 Associates examination or other proctored examination approved
94 by the board for the trade in which he or she is licensed;

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

101 (c) Has satisfactorily completed specialized and advanced
102 module coursework approved by the Florida Building Commission,
103 as part of the building code training program established in s.
104 553.841, specific to the discipline or, pursuant to
105 authorization by the certifying authority, provides proof of
106 completion of such coursework within 6 months after such
107 certification; and

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

110 (3)~~(2)~~ A local government may charge a registration fee for
111 reciprocity, not to exceed \$25.

112 Section 4. Section 489.5335, Florida Statutes, is amended
113 to read:

114 489.5335 Journeyman; reciprocity; standards.—

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

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

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

128 (b) Has completed an apprenticeship program registered with
129 a registration agency defined in 29 C.F.R. s. 29.2 and
130 demonstrates 4 years' verifiable practical experience in the
131 ~~electrical~~ trade for which he or she is licensed, or
132 demonstrates 6 years' verifiable practical experience in the
133 ~~electrical~~ trade for which he or she is licensed;

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

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

143 (3)~~(2)~~ A local government may charge a registration fee for
144 reciprocity, not to exceed \$25.

145 Section 5. This act shall take effect July 1, 2020.