

By the Committee on Regulated Industries; and Senator Perry

580-02944-21

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1 A bill to be entitled
2 An act relating to preemption of local occupational
3 licensing; creating s. 163.211, 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; amending s. 489.117, F.S.; specifying
11 that certain specialty contractors are not required to
12 register with the Construction Industry Licensing
13 Board; prohibiting local governments from requiring
14 certain specialty contractors to obtain a license
15 under specified circumstances; specifying job scopes
16 for which a local government may not require a
17 license; amending ss. 489.1455 and 489.5335, F.S.;
18 authorizing counties and municipalities to issue
19 certain journeyman licenses; providing an effective
20 date.

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

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

26 163.211 Licensing of occupations preempted to state.-

27 (1) DEFINITIONS.—As used in this section, the term:

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 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

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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:

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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 with
93 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 for
108 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

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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 with
126 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 for
141 reciprocity, not to exceed \$25.

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