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CS/CS/HB 1383

2023 Legislature

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 2 An act relating to specialty contractors; amending s.
 3 163.211, F.S.; revising the date on which the local
 4 government licensing of certain occupations expires;
 5 amending s. 489.113, F.S.; requiring the Construction
 6 Industry Licensing Board to establish certified
 7 specialty contractor categories for voluntary
 8 licensure by a specified date; amending s. 489.117,
 9 F.S.; prohibiting local governments from imposing new
 10 licensing requirements for certain specialty
 11 contractors; authorizing a county that includes an
 12 area designated as an area of critical state concern
 13 to offer a license for certain job scopes; authorizing
 14 certain local governments to continue to offer a
 15 license for certain job scopes; prohibiting a local
 16 government from requiring a license as a prerequisite
 17 to submit a bid for public works projects under
 18 certain conditions; providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Paragraph (a) of subsection (2) of section
 23 163.211, Florida Statutes, is amended to read:

24 163.211 Licensing of occupations preempted to state.—

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25 (2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The
 26 licensing of occupations is expressly preempted to the state,
 27 and this section supersedes any local government licensing
 28 requirement of occupations with the exception of the following:

29 (a) Any local government that imposed licenses on
 30 occupations before January 1, 2021. However, any such local
 31 government licensing of occupations expires on July 1, 2024 ~~July~~
 32 ~~1, 2023~~.

33 Section 2. Subsection (6) of section 489.113, Florida
 34 Statutes, is amended to read:

35 489.113 Qualifications for practice; restrictions.—

36 (6)(a) The board shall, by rule, designate those types of
 37 specialty contractors which may be certified under this part.
 38 The limit of the scope of work and responsibility of a specialty
 39 contractor shall be established by the board by rule. However, a
 40 certified specialty contractor category established by board
 41 rule exists as a voluntary statewide licensing category and does
 42 not create a mandatory licensing requirement. Any mandatory
 43 statewide construction contracting licensure requirement may
 44 only be established through specific statutory provision.

45 (b) By July 1, 2024, the board shall, by rule, establish
 46 certified specialty contractor categories for voluntary
 47 licensure for all of the following:

- 48 1. Structural aluminum or screen enclosures.
 49 2. Marine seawall work.

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- 50 3. Marine bulkhead work.
- 51 4. Marine dock work.
- 52 5. Marine pile driving.
- 53 6. Structural masonry.
- 54 7. Structural prestressed, precast concrete work.
- 55 8. Rooftop solar heating installation.
- 56 9. Structural steel.
- 57 10. Window and door installation, including garage door
- 58 installation and hurricane or windstorm protection.
- 59 11. Plaster and lath.
- 60 12. Structural carpentry.

61 Section 3. Paragraph (a) of subsection (4) of section
62 489.117, Florida Statutes, is amended to read:

63 489.117 Registration; specialty contractors.—

64 (4) (a) 1. A person whose job scope does not substantially
65 correspond to either the job scope of one of the contractor
66 categories defined in s. 489.105(3) (a)–(o), or the job scope of
67 one of the certified specialty contractor categories established
68 by board rule, is not required to register with the board. A
69 local government, as defined in s. 163.211, may not require a
70 person to obtain a license, issued by the local government or
71 the state, for a job scope which does not substantially
72 correspond to the job scope of one of the contractor categories
73 defined in s. 489.105(3) (a)–(o) and (q) or authorized in s.
74 489.1455(1), or the job scope of one of the certified specialty

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75 contractor categories established pursuant to s. 489.113(6). A
 76 local government may not require a state or local license to
 77 obtain a permit for such job scopes. For purposes of this
 78 section, job scopes for which a local government may not require
 79 a license include, but are not limited to, painting; flooring;
 80 cabinetry; interior remodeling when the scope of the project
 81 does not include a task for which a state license is required;
 82 driveway or tennis court installation; handyman services;
 83 decorative stone, tile, marble, granite, or terrazzo
 84 installation; plastering; pressure washing; stuccoing; caulking;
 85 and canvas awning and ornamental iron installation.

86 2. A county that includes an area designated as an area of
 87 critical state concern under s. 380.05 may offer a license for
 88 any job scope which requires a contractor license under this
 89 part if the county imposed such a licensing requirement before
 90 January 1, 2021.

91 3. A local government may continue to offer a license for
 92 vener, including aluminum or vinyl gutters, siding, soffit, or
 93 fascia; rooftop painting, coating, and cleaning above three
 94 stories in height; or fence installation and erection if the
 95 local government imposed such a licensing requirement before
 96 January 1, 2021.

97 4. A local government may not require a license as a
 98 prerequisite to submit a bid for public works projects if the
 99 work to be performed does not require a license under general

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100 | law.

101 | Section 4. This act shall take effect July 1, 2023.