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HB 735

2021 Legislature

1  
 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:

ENROLLED

HB 735

2021 Legislature

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

ENROLLED

HB 735

2021 Legislature

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

ENROLLED

HB 735

2021 Legislature

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.

ENROLLED

HB 735

2021 Legislature

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

ENROLLED

HB 735

2021 Legislature

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.