



| CONTRACTOR LICENSING AND REGISTRATION JUNE 21, 2023

State Pre-emption of Local Occupational Licensing

The 2022 Florida Statutes (including 2022 Special Session A and 2023 Special Session B)

<u>Title XI</u> COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	<u>Chapter 163</u> INTERGOVERNMENTAL PROGRAMS	<u>View Entire Chapter</u>
163.211 Licensing of occupations preempted to state.—		
(1) DEFINITIONS.—As used in this section:		
(a) “Licensing” means any training, education, test, certification, registration, or license that is required for a person to perform an occupation in addition to any associated fee.		
(b) “Local government” means a county, municipality, special district, or political subdivision of the state.		
(c) “Occupation” means a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft.		
(2) PREEMPTION OF OCCUPATIONAL LICENSING TO THE STATE.—The licensing of occupations is expressly preempted to the state, and this section supersedes any local government licensing requirement of occupations with the exception of the following:		
(a) Any local government that imposed licenses on occupations before January 1, 2021. However, any such local government licensing of occupations expires on July 1, 2023.		
(b) Any local government licensing of occupations authorized by general law.		
(3) EXISTING LICENSING LIMIT.—A local government that licenses occupations and retains such licensing as set forth in paragraph (2)(a) may not impose additional licensing requirements on that occupation or modify such licensing.		
(4) LOCAL LICENSING NOT AUTHORIZED.—Local licensing of an occupation that is not authorized under this section or otherwise authorized by general law does not apply and may not be enforced.		
History.—s. 1, ch. 2021-214.		

State Pre-emption of Local Occupational Licensing

HB 735 — Preemption of Local Occupational Licensing

by Rep. Harding and others (CS/SB 268 by Regulated Industries Committee and Senator Perry)

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, with the exception of local government licensing of occupations authorized by general law or occupational licenses imposed by a local government before January 1, 2021. However, the exception for local government licensing imposed by a local government expires July 1, 2023. Local government occupational licensing requirements in place by January 1, 2021 may not be increased or modified thereafter.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation.

The bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, and HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. As a result of this authorization in general law, local journeyman licensing is excepted from the preemption of local licensing to the state under the bill.

Effects of HB 735 / F.S. 163.211

1. Licensing of occupations is expressly preempted by the State of Florida, and State licensing supersedes any local government licensing.
2. The State of Florida's prohibits the City of Cape Coral from requiring licenses for a person **whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board**, within DBPR.
3. Cape Coral is specifically precluded from requiring a license for:
 - A. Painting
 - B. Flooring
 - C. Cabinetry
 - D. Interior Remodeling
 - E. Driveway or tennis court installation
 - F. Plastering
 - G. Stuccoing
 - H. Caulking
 - I. Canvas awning and ornamental iron installation
4. Cape Coral's licensing requirements may not be increased or modified after 1/1/21.



Cape Coral Ordinance 10-23

1. The City of Cape Coral City Council passed Ordinance 10-23 on February 1st, 2023.

2. This Ordinance:

A. Repealed the City's local licensing program

B. Sunset the Construction Regulation Board

C. Ensures compliance with HB 735

~~(a) All applicants for a City of Cape Coral specialty contractor's license must present proof of liability and workers' compensation insurance coverage as indicated herein reasonably satisfactory to city. Applicants must provide proof of workers' compensation insurance pursuant to F.S. Ch. 440 or evidence that the applicant is exempt from such requirements. Applicants must provide proof of liability insurance in the amount of \$50,000 for one person and coverage of \$100,000 if two or more persons are involved. Coverage for property damage in the amount of \$5,000 is also required. The applicant must present a certificate of insurance with the following information:~~

~~(1) Date that certificate of insurance was issued.~~

~~(2) Name of insurance agent.~~

~~(3) Name of insurance company.~~

~~(4) Policy number must be on the certificate.~~

~~(5) Effective date of policy.~~

~~(6) Expiration date of policy.~~

~~(7) Certificate holder will be the City of Cape Coral, or if a certified or other class of contractor regulated by the state, the certificate holder shall be as specified by statute or administrative rule.~~

~~(8) The agent's signature.~~

~~(b) The insurance shall at all times be carried in the name of the licensee.~~

~~§ 6-8 Biennial renewal fees.~~

~~(a) Persons licensed under this chapter shall biennially pay a renewal fee, established by resolution approved and adopted by City Council. Such resolution may be changed or modified by Council from time to time. Biennial license renewals shall go into effect for the 2014 license renewal cycle.~~

Cape Coral's Revised Licensing Process

1. The City no longer issues or renews contractor licenses
2. Permitting staff members are responsible for registering contractors and verifying certain State licenses.
3. The City's Customer Self-Service (CSS) system will automatically verify DBPR licenses at permit application submission.
4. To prevent undue hardship for certain previously-licensed specialty contractors, the City is implemented a limited-term license transition program.
5. Transitional City specialty licenses will expire on 7/1/2024.
6. Contractors relying on transitional specialty licenses must receive a state license by this date to continue applying for specialty permits.



Specialty License Adjustments

1. The City has adjusted the license type required to submit permit applications for several types of permits to comply with HB 735 and the Cape Coral Code of Ordinances.
2. Transition from existing Cape Coral specialty license classifications to State licenses.
3. License no longer required for:
 - A. Asphalt Coating and Sealing
 - B. Cabinet and Millwork
 - C. Canvas Awning and Ornamental Iron Installation
 - D. Carpentry
 - E. Caulking
 - F. Concrete Non-structural
 - G. Decorative Stone
 - H. Fence Erection
 - I. Flooring
 - J. Insulation
 - K. Interior Remodeling
 - L. Masonry (non-structural)
 - M. Painting
 - N. Paver Block
 - O. Paving
 - P. Plastering and Stucco
 - Q. Signs (non-electric)

Cape Coral Specialty License Classification	State License required to apply for permits
Aluminum non-structural	Specialty Structure License
Aluminum Structural	Specialty Structure License
Aluminum without concrete	Specialty Structure License
Asphalt Coating and Sealing	License no longer required
Cabinet and Millwork	License no longer required
Canvas Awning and Ornamental Iron Installation	License no longer required
Carpentry	License no longer required
Caulking	License no longer required
Concrete Non-structural (forming, placing, finishing, coating)	License no longer required
Decorative Stone (Tile, Marble, Granite, Terrazzo, etc.)	License no longer required
Demolition	Demolition Contractor License
Drywall	Drywall Specialty Contractor License
Excavation	Underground Utility/Excavation Contractor License
Fence Erection (non-structural, non-pool enclosure)	License no longer required
Flooring	License no longer required
Garage Doors	Specialty Structure License
Glass and Glazing	Glass and Glazing Specialty Contractor
Hurricane Shutters	Specialty Structure License
Insulation	License no longer required
Interior Remodeling	License no longer required
Irrigation Sprinkler	Irrigation Specialty or Plumbing License
Marine	Marine Specialty License
Masonry (non-structural)	License no longer required
Painting	License no longer required
Paver Block	License no longer required
Paving	License no longer required
Plastering and Stucco	License no longer required
Signs no electric	License no longer required
Signs with Electric	Sign Specialty Electrical Contractor License
Wells	Well Driller or Plumbing License



How Do These Changes Affect Me?

1. These changes will only affect certain specialty contractors who have utilized Cape Coral specialty licenses to apply for specific types permits. Less than 300 contractors will be affected by these changes.
2. Contractors with current State licenses will need to maintain these licenses, and do not need to re-register with the City.
3. Specialty contractors will need to obtain and register the appropriate State specialty license in the EnerGov CSS portal by 7/1/2024.



Q&A – Revised Local Licensing

Thank You

