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A bill to be entitled  
 An act relating to preemption of local regulations;  
 creating s. 163.21, F.S.; providing definitions;  
 prohibiting certain local governments from imposing or  
 adopting certain regulations on businesses and  
 business entities on or after a specified date;  
 providing exceptions; specifying that certain  
 regulations expire and may only be readopted or  
 continue to be imposed after meeting specified  
 criteria; preempting the regulation and licensing of  
 professions and occupations to the state; providing  
 exceptions; prohibiting local governments from  
 imposing additional regulations or modifying  
 regulations unless specified conditions are met;  
 specifying that specified local regulations that do  
 not meet specified criteria do not apply and may not  
 be enforced; amending s. 489.117, F.S.; specifying  
 that specified specialty contractors are not required  
 to register with the Construction Industry Licensing  
 Board; prohibiting local governments from requiring  
 certain specialty contractors to obtain a license  
 under specified circumstances; specifying job scopes  
 for which a local jurisdiction may not require a  
 license; providing an effective date.

26 Be It Enacted by the Legislature of the State of Florida:

27

28 Section 1. Section 163.21, Florida Statutes, is created to  
29 read:

30 163.21 Regulation of businesses and business entities;  
31 regulation and licensing of professions and occupations  
32 preempted to state.-

33 (1) DEFINITIONS.-As used in this section:

34 (a) "Business" means any activity regularly engaged in by  
35 any person, or caused to be engaged in by any person, for the  
36 purpose of private or public gain, benefit, or advantage. The  
37 term includes goods and services and business entities.

38 (b) "Business entity" has the same meaning as in s.  
39 112.312.

40 (c) "Local government" means a county, municipality,  
41 special district, or political subdivision of the state.

42 (d) "Occupation" means a paid job, profession, work, line  
43 of work, trade, employment, position, post, situation, business,  
44 career, field, vocation, calling, or craft, or any other  
45 activity undertaken by a person to earn a livelihood.

46 (e) "Profession" means a paid occupation that involves  
47 prolonged or specialized training, knowledge, qualifications,  
48 and skills. The term includes membership in a professional body  
49 that is guided by a certain code of conduct established by the  
50 professional body or a certificate of practice to engage in a

51 profession.

52 (f) "Publicly stated" or "published" means the posting of  
 53 a statement or report on the local government's website 14 days  
 54 before any publicly noticed meeting to adopt any regulation of a  
 55 business or business entity, or, if the local government does  
 56 not have a website, the publishing of a statement or report in  
 57 the local government's meeting notice or agenda and publicly  
 58 reading the statement or report at the meeting immediately  
 59 before the vote to adopt the regulation.

60 (g) "Regulation" means a rule, directive, act, law, bylaw,  
 61 ordinance, pronouncement, mandate, command, injunction,  
 62 procedure, requirement, prescription, or guideline, and any  
 63 action or process of regulating or being regulated along with  
 64 any associated fee.

65 (h) "Transactional costs" are direct costs that are  
 66 ascertainable based upon standard business practices, and  
 67 include filing fees, the cost of obtaining a license, the cost  
 68 of procedures required to be employed in complying with the  
 69 proposed regulation, additional operating costs incurred, the  
 70 cost of monitoring and reporting, and any other costs necessary  
 71 to comply with the proposed regulation.

72 (2) BUSINESS AND BUSINESS ENTITY REGULATION.-On or after  
 73 July 1, 2019, a local government may not adopt or impose any new  
 74 regulation that is not expressly authorized by general law on a  
 75 business or business entity unless:

76           (a) The local government has determined and publicly  
 77 stated that the regulation is justified because:  
 78           1. The regulation is necessary to protect the public  
 79 health, safety, or welfare from significant and discernible harm  
 80 or damage and that the police power being exercised is only  
 81 being exercised to the extent necessary for that purpose;  
 82           2. The regulation is being regulated in a manner that does  
 83 not unnecessarily restrict entry into the business or adversely  
 84 affect the availability of the business' services to the public;  
 85 and  
 86           3. The least restrictive and most cost-effective  
 87 regulatory scheme is being used to regulate such business or  
 88 business entity.  
 89           (b) The regulation has a sunset date or expires 2 years  
 90 after the date it was adopted or imposed. The regulation may not  
 91 be readopted or continue to be imposed without meeting the  
 92 requirements of this section.  
 93           (c) The local government has passed the regulation by a  
 94 two-thirds vote of the entire membership of the governing body.  
 95 However, a two-thirds vote of the entire membership of the  
 96 governing body is not required for zoning regulations,  
 97 regulations that increase building costs by less than \$750,  
 98 nuisance ordinances, and ordinances related to alcohol or  
 99 tobacco.  
 100           (d) The local government has completed a statement of

101 estimated regulatory costs and determined that the regulation  
 102 does not impose regulatory costs on the business or business  
 103 entity that could be reduced by the adoption of a less costly  
 104 alternative. The statement of estimated regulatory costs must be  
 105 published 14 days before the adoption or imposition of the  
 106 regulation and must include the following:

107 1. A determination as to whether the overall cost-  
 108 effectiveness and economic impact of the proposed regulation,  
 109 including the indirect costs to consumers, will be favorable;

110 2. An estimate of the number of businesses or business  
 111 entities that would be subject to the regulation;

112 3. An estimate of the cost of regulation, including the  
 113 indirect costs to consumers, and the method proposed to finance  
 114 the regulation;

115 4. The resources necessary to implement and enforce the  
 116 proposed regulation, including, but not limited to:

117 a. The anticipated costs to implement and enforce the  
 118 proposed regulation; and

119 b. The anticipated license fees to cover the anticipated  
 120 costs;

121 5. The anticipated impact to small businesses as defined  
 122 in s. 288.703;

123 6. The anticipated impact on business competitiveness,  
 124 including the ability of persons doing business in the county to  
 125 compete with persons doing business in other counties or

126 markets;

127 7. The anticipated impact on economic growth and private  
 128 sector job creation or employment;

129 8. The cost imposed on businesses and business entities as  
 130 a result of the regulation; and

131 9. A good faith estimate of the transactional costs likely  
 132 to be incurred by businesses and business entities required to  
 133 comply with the proposed regulation.

134 (3) EXEMPTION.—Any regulation expressly authorized by  
 135 general law is exempt from the requirements of this section.

136 (4) REGULATION EXPIRATION.—Any regulation of a business or  
 137 business entity adopted or imposed before July 1, 2019, expires  
 138 on July 1, 2021, and may only be readopted or continue to be  
 139 imposed after meeting the criteria in subsection (2), unless the  
 140 regulation is expressly authorized by general law.

141 (5) PREEMPTION OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
 142 AND LICENSING TO THE STATE.—The regulation and licensing of  
 143 professions and occupations is expressly preempted to the state,  
 144 and this section supersedes any local government regulation or  
 145 licensing requirement of professions and occupations with the  
 146 exception of the following:

147 (a) Any local government regulation of professions or  
 148 occupations adopted or imposed before July 1, 2019. However, any  
 149 such regulation expires on July 1, 2021.

150 (b) A regulation expressly authorized by general law or

151 ratified by the Legislature before July 1, 2021.

152 (6) EXISTING REGULATION LIMIT.-A local government with a  
 153 local regulation concerning a profession or occupation that is  
 154 retained pursuant to paragraph (5) (a) or paragraph (5) (b) may  
 155 not impose additional regulations on that profession or  
 156 occupation or modify such regulation except in accordance with  
 157 this section.

158 (7) REGULATIONS NOT AUTHORIZED.-Any local regulation of a  
 159 business, business entity, profession, or occupation that is not  
 160 authorized under this section or otherwise expressly authorized  
 161 by general law does not apply and may not be enforced.

162 Section 2. Paragraph (a) of subsection (4) of section  
 163 489.117, Florida Statutes, is amended to read:

164 489.117 Registration; specialty contractors.-

165 (4) (a) ~~A person holding a local license~~ whose job scope  
 166 does not substantially correspond to either the job scope of one  
 167 of the contractor categories defined in s. 489.105(3) (a)-(o), or  
 168 the job scope of one of the certified specialty contractor  
 169 categories established by board rule, is not required to  
 170 register with the board ~~to perform contracting activities within~~  
 171 ~~the scope of such specialty license.~~ A local government, as  
 172 defined in s. 163.21(1), may not require a person to obtain a  
 173 license for a job scope which does not substantially correspond  
 174 to the job scope of one of the contractor categories defined in  
 175 s. 489.105(3) (a)-(o) and (q). For purposes of this section, job

176 | scopes for which a local jurisdiction may not require a license  
177 | include, but are not limited to, painting, flooring, cabinetry,  
178 | interior remodeling, driveway or tennis court installation, and  
179 | decorative stone, tile, marble, granite, or terrazzo  
180 | installation, plastering, and stuccoing.

181 |       Section 3. This act shall take effect July 1, 2019.