

MEMORANDUM

Agenda Item No. 11(A)(20)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation repealing Chapter 2021-214, Laws of Florida (House Bill 735), which preempted the licensing of occupations to the state and prohibited local governments from imposing additional licensing requirements or modifying licensing unless expressly authorized by state law, or in the alternative, to enact further legislation addressing certain concerns and potential negative consequences from Chapter 2021-214

Resolution No. R-1190-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
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County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(20)
12-1-21

RESOLUTION NO. _____ R-1190-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION REPEALING CHAPTER 2021-214, LAWS OF FLORIDA (HOUSE BILL 735), WHICH PREEMPTED THE LICENSING OF OCCUPATIONS TO THE STATE AND PROHIBITED LOCAL GOVERNMENTS FROM IMPOSING ADDITIONAL LICENSING REQUIREMENTS OR MODIFYING LICENSING UNLESS EXPRESSLY AUTHORIZED BY STATE LAW, OR IN THE ALTERNATIVE, TO ENACT FURTHER LEGISLATION ADDRESSING CERTAIN CONCERNS AND POTENTIAL NEGATIVE CONSEQUENCES FROM CHAPTER 2021-214

WHEREAS, during the 2021 session of the Florida Legislature, identical bills, Senate Bill (SB) 268 and House Bill (HB) 735, were filed for consideration by Senator Keith Perry (R – Gainesville) and Representative Joe Harding (R – Ocala), respectively; and

WHEREAS, these bills contained language expressly preempting the licensing of occupations to the state and superseding any local government licensing of occupations, with the exception of any licensing of occupations authorized by general law; and

WHEREAS, the bills provided that any local government licensing of an occupation adopted prior to July 1, 2021 would continue to be effective until July 1, 2023, but would expire at that time; and

WHEREAS, the bills broadly defined “licensing” as “any training, education, test, certification, registration, or license that is required for a person to perform an occupation in addition to any associated fee”; and

WHEREAS, the bills also broadly defined “occupation” to encompass “a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft”; and

WHEREAS, the bills also contained language prohibiting 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; and

WHEREAS, the language of these bills specifically precluded local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation; and

WHEREAS, this Board has consistently opposed bills of this nature, having adopted Resolution Nos. R-283-19 and R-274-17, and most recently adopting Resolution No. R-108-21 opposing SB 268 and similar legislation; and

WHEREAS, in Resolution No. R-108-21, this Board noted not only that SB 268 and similar legislation could have far-reaching implications for the communities that local governments represent and protect through occupational licensing, and that the broad, sweeping nature of such legislation would cause numerous local licensing requirements to expire on July 1, 2023 and would severely restrict the ability of local governments to adopt or readopt licensing requirements across a wide swath of occupations, but also that SB 268 and similar legislation would likely reduce the level of skill needed to work in many trades and professions across the state because many workers will no longer need a license; and

WHEREAS, nevertheless, during the 2021 session, HB 735 was enacted by the Florida Legislature and approved by the Governor as Chapter 2021-214, Laws of Florida (“Chapter 2021-214”); and

WHEREAS, in addition to the concerns previously identified by this Board in Resolution No. R-108-21, Chapter 2021-214 may now also result in certain small business specialty contractors being unable to pull permits themselves and may further result in certain trades not being licensed at all—in particular, those trades not regulated by the state and which local governments are now preempted from regulating; and

WHEREAS, licensing requirements are designed to protect the public, improve competency levels across numerous trades and professions, and promote the public’s access to skilled, reliable and safe tradesmen; and

WHEREAS, additionally, communities deserve to have a say in how business is conducted in their backyard, and sensible occupational licensing requirements are an important and effective means for local governments to do exactly that; and

WHEREAS, the ability to enact licensing requirements for occupations is essential for local governments to ensure that they can address the issues and problems particular to their communities and ensure the well-being of their residents; and

WHEREAS, residents of local communities, including homeowners who often employ the services of such tradesmen, are often supportive of such licensing requirements, which have been put in place by their elective representatives on county and city commissions and councils; and

WHEREAS, by preempting local government licensing of occupations, Chapter 2021-214 has acted contrary to the will of local communities; and

WHEREAS, local governments are better situated than the Legislature to quickly respond to the needs of local communities as they arise; and

WHEREAS, the Legislature is in regular session only 60 days per year and therefore cannot address local needs year-round as responsively as local governments can, especially in a state as large and diverse as Florida; and

WHEREAS, accordingly, this Board urges the Florida Legislature to enact legislation either repealing Chapter 2021-214 or addressing the aforementioned concerns created as a result of its passage,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact legislation repealing Chapter 2021-214, Laws of Florida (HB 735), which preempted the licensing of occupations to the state and prohibited local governments from imposing additional licensing requirements or modifying licensing unless expressly authorized by state law, or, in the alternative, to enact further legislation addressing certain concerns and potential negative consequences resulting from the enactment of Chapter 2021-214, including, but not limited to, (a) the potential inability of certain small business specialty contractors to pull permits, and (b) the consequence of a large number of specialty trades not being licensed on either the state or local level.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Keith Perry, Representative Joe Harding, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the actions described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2022 State Legislative Package to include this item.

