

HOUSE BILL 735 – CHAPTER 2021-214



Circumstances surrounding this bill's implementation are still developing. Please reach out to the Department of Business and Professional Regulations for clarification on how the bill shall affect you.

MEANS THE PERSON WHO IS QUALIFIED FOR AND RESPONSIBLE FOR THE ENTIRE PROJECT CONTRACTED FOR AND, EXCEPT FOR THOSE HEREIN EXEMPTED, THE PERSON WHO, FOR COMPENSATION, UNDERTAKES TO, OR SUBMITS A BID TO, OR DOES THEMSELF OR BY OTHERS, ANY OR ALL OF THE FOLLOWING: CONSTRUCT, REPAIR, ALTER, REMODEL, ADD TO, DEMOLISH, SUBTRACT FROM, OR IMPROVE ANY BUILDING OR STRUCTURE, INCLUDING RELATED IMPROVEMENTS TO REAL ESTATE, FOR OTHERS, OR FOR RESALE TO OTHERS, AS HEREINAFTER DEFINED IN FLORIDA STATE STATUTE 489.

Contractor licensing and regulation is under the purview of Collier County Contractor Licensing by way of an interlocal agreement made in 1992; all past and current protections are overseen by this department.

On July 1st, 2021 house bill 735 passed 22-18 and was signed by Governor Ron DeSantis. 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.

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 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.

A local government, as defined in S.163.211, may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in S.489.1455(1).

License types that are stated by the county as remaining regulated are: General Contractor, Building Contractor, Residential Contractor, Sheet metal, Roofing, Mechanical, Class A Air Conditioning, Class B Air Conditioning, Class C Air Conditioning, Journeyman air conditioning, Commercial pool/spa, Residential pool/spa, Swimming pool/spa, servicing/repair, Journeyman plumber, Plumbing, Journeyman electrician, Electrical, Alarm system I, Alarm system II, Drywall, Glass and glazing, Irrigation sprinkler, Marine, seawall, and dock construction, Electrical sign, Underground utility, and excavation.

Collier County is still in the process of evaluating licenses to determine whether or not regulation is possible.

The current protections and investigation resources available to the public are being withdrawn and removed entirely. All incidents of misconduct and code violations will henceforth be the homeowner's responsibility to correct. All instances of theft, damage, and financial harm such as liens and monies owed shall be referred to Law Enforcement or to the 20th Judicial Circuit.

SUBMIT ALL QUESTIONS REGARDING CONTRACTORS TO:

Marco Island

James Reynolds
Administrative Inspector & Investigator
Building Services
1310 San Marco Road – Suite B
239.389.3989

Collier County

Collier County Licensing
Building Department
2800 N Horseshoe Drive
239.252.2431

Florida

Department of Business and Professional Regulation
2601 Blair Stone Road
Tallahassee, FL 32399
1.866.532.1440.