

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: February 17, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution opposing Senate Bill (SB) 268 or similar legislation that would preempt the licensing of occupations to the state and prohibit local governments from imposing additional licensing requirements or modifying licensing unless expressly authorized by state law

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



Geri Bonzon-Keenan
Successor County Attorney

GBK/jp




MEMORANDUM

(Revised)

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

DATE: February 17, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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)(4)
2-17-21

RESOLUTION NO. _____

RESOLUTION OPPOSING SENATE BILL (SB) 268 OR
SIMILAR LEGISLATION THAT WOULD PREEMPT THE
LICENSING OF OCCUPATIONS TO THE STATE AND
PROHIBIT LOCAL GOVERNMENTS FROM IMPOSING
ADDITIONAL LICENSING REQUIREMENTS OR
MODIFYING LICENSING UNLESS EXPRESSLY
AUTHORIZED BY STATE LAW

WHEREAS, Senate Bill (SB) 268 has been filed for consideration during the Florida Legislature’s 2021 session by Senator Keith Perry (R – Gainesville); and

WHEREAS, a House companion bill to SB 268 has not yet been filed; and

WHEREAS, SB 268 would expressly preempt the licensing of occupations to the state and supersede any local government licensing of occupations, with the exception of any licensing of occupations authorized by general law; and

WHEREAS, additionally, under the bill, any local government licensing of an occupation adopted prior to July 1, 2021 will continue to be effective until July 1, 2023, at which time it will expire, provided, however, that the local government may not impose additional licensing requirements on that occupation or modify such licensing; and

WHEREAS, the term “licensing” is defined broadly in SB 268 to mean “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 term “occupation” is also broadly defined in SB 268 to mean “a paid job, profession, work, line of work, trade, employment, position, post, career, field, vocation, or craft”; and

WHEREAS, SB 268 would also prohibit 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 bill specifically precludes 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, the bill, however, does allow local governments to issue journeyman licenses in the plumbing, pipe fitting, mechanical, HVAC, electrical, and alarm system trades; and

WHEREAS, SB 268 is nearly identical to two bills that were filed during the 2020 session of the Florida Legislature, SB 1336 by Senator Perry and House Bill (HB) 3 by Representative Michael Grant (R – Port Charlotte); and

WHEREAS, both SB 1336 and HB 3 died in committee during the 2020 session; and

WHEREAS, SB 268 is also similar to two broad preemption bills that were filed during the 2019 session of the Florida Legislature, SB 1748 by Senator Perry and HB 3 by Representative Grant, as well as two similar preemption bills that were filed during the 2017 session of the Florida Legislature, SB 1158 by Senator Kathleen Passidomo (R – Naples) and HB 17 by Representative Randy Fine (R – Palm Bay); and

WHEREAS, this Board opposed SB 1748 and HB 3 in 2019, as well as SB 1158 and HB 17 in 2017, pursuant to Resolution Nos. R-283-19 and R-274-17, respectively; and

WHEREAS, during the 2017 session, both SB 1158 and HB 17 died in committee, and during the 2019 session, HB 3 died in committee while SB 1748 was withdrawn; and

WHEREAS, like these similar preemption bills before it, SB 268 could have far-reaching implications for the communities that local governments represent and protect through occupational licensing; and

WHEREAS, the broad, sweeping nature of SB 268 will cause numerous local licensing requirements to expire on July 1, 2023 and will severely restrict the ability of local governments to adopt or readopt licensing requirements across a wide swath of occupations; 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, if enacted, SB 268 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, 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 may 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, SB 268 acts 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 as responsively as local governments can, especially in a state as large and diverse as Florida; and

WHEREAS, accordingly, this Board opposes SB 268, or similar legislation,

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

Section 1. Opposes SB 268 or similar legislation that would preempt the licensing of occupations to the state and prohibit local governments from imposing additional licensing requirements or modifying licensing unless expressly authorized by state law.

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, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of February, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MSM

Michael J. Mastrucci