



# Brevard County Board of County Commissioners

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Legislation Text

---

**File #:** 5532, **Version:** 1

---

### **Subject:**

Public Hearing RE: Approval of Ordinance Amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances

### **Fiscal Impact:**

Revenue reduction of approximately \$8,953

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board hold a public hearing and consider adoption of the attached ordinance amending Chapter 22, Article VI, "Contractors," Brevard County Code of Ordinances

### **Summary Explanation and Background:**

On June 29, 2021, HB 735 was signed into law. This bill amended four sections of Florida Statute. The first, amending Fla. Stat. § 163.211, is a general preemption. It states that "the licensing of occupations is expressly preempted to the state and this section supersedes any local government licensing requirement," with 2 exemptions - existing regulations are grandfathered until July 1, 2023, and local governments may continue to regulate "any local government licensing of occupations authorized by general law." The second section HB 735 amended was to Fla. Stat. § 489.117, by effectively adding authorization for local governments to license certain trades. The third and fourth sections amended allow local governments to continue to license journeyman trades.

On May 18, 2022, prior to development of the proposed amendment, the Brevard County Contractor Licensing Board recommended that the Board of County Commissioners amend Chapter 22, Brevard County Code of Ordinances, to comply with statutory requirements, but to do so as narrowly as possible to limit the impact to local license-holders. Likewise, on October 25, 2022, the Board of County Commissioners approved legislative intent and permission to advertise, while directing staff to "draft such amendment in a manner to limit the impact to local license-holders." On February 8, 2023, the Building Construction Advisory Committee reviewed the proposed amendments and unanimously recommended approval. On February 15, 2023, the Contractor Licensing Board acknowledged receipt of the amendments.

While Brevard County already deregulated several trades that would have been impacted (see especially Board action on May 18, 2021, deregulating the trades of Floor Covering, Floor Covering With Tile, Framing, Masonry, and Painting), there remains some inconsistency with pending statutory requirements. Specifically, as is now required under Fla. Stat. § 489.117, staff has drafted the attached amendment to reclassify county trades and their associated definitions so that they "substantially correspond to the job scope of one of the contractor categories" listed as eligible to be regulated. "Attachment A" is a summary of this effort. In the

case of the Stucco Contractor trade, the County has been expressly preempted from continuing to regulate this job scope; as such, it is proposed that this license be discontinued.

Another significant impact would be to the Fencing Contractor trade. The only related job scope that staff identified that substantially corresponds to a trade which the County is allowed to continue to regulate is limited to Aluminum and Vinyl Fencing. As such, for fences constructed of other materials (such as wood), only a Business Tax Receipt ("BTR") would be required to obtain a permit going forward.

With regards to most trades, however, the impact on both the public and license-holders would be limited. Provisions have been made in the draft ordinance to allow for automatic reclassification into corresponding trades and to allow for business owners to continue advertising using their current trade and license number for two additional years.

Staff is requesting Board approval of the attached amendment to Chapter 22, Brevard County Code of Ordinances, in order to comply with the requirements, set forth in HB 735. Consistent with prior Board direction issued on October 25, 2022, this amendment has been drafted in a manner to limit the impact to local license-holders, to the extent permitted under law.

### **Clerk to the Board Instructions:**

Once ordinance is filed with the State, please return two copies to Planning & Development