

By the Committee on Regulated Industries and Senator Lee

315-1880A-98

1                                   A bill to be entitled  
2           An act relating to contractor licensing;  
3           amending s. 489.103, F.S.; exempting certain  
4           real estate licensees from the contractor  
5           licensing provisions; amending s. 489.503,  
6           F.S.; exempting certain real estate licensees  
7           from the contractor licensing provisions;  
8           providing an effective date.

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

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12           Section 1. Subsection (17) is added to section  
13 489.103, Florida Statutes, to read:

14           489.103 Exemptions.--This part does not apply to:

15           (17) Any work or operation contracted by any person  
16 licensed under part I of chapter 475, as single agents or  
17 transaction brokers for owners of real property, provided that  
18 the person is acting within the scope of his or her license  
19 and provided that the aggregate contract for labor, materials,  
20 and all other items is less than \$5,000, but this exemption  
21 does not apply:

22           (a) If the construction, repair, remodeling, or  
23 improvement is a part of a larger or major operation, whether  
24 undertaken by the same or a different contractor, or in which  
25 a division of the operation is made in contracts of amounts  
26 less than \$5,000 for the purpose of evading this part or  
27 otherwise.

28           (b) To a person who advertises that he or she is  
29 qualified to engage in contracting.

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1 Unless otherwise qualified, the person acting under the  
2 exemption provided in this subsection shall not perform the  
3 construction work, and shall contract with properly licensed  
4 persons to perform the work.

5 Section 2. Subsection (17) is added to section  
6 489.503, Florida Statutes, to read:

7 489.503 Exemptions.--This part does not apply to:

8 (17) Any work or operation contracted by any person  
9 licensed under part I of chapter 475, as single agents or  
10 transaction brokers for owners of real property, provided that  
11 the person is acting within the scope of his or her license  
12 and provided that the aggregate contract for labor, materials,  
13 and all other items is less than \$5,000, but this exemption  
14 does not apply:

15 (a) If the construction, repair, remodeling, or  
16 improvement is a part of a larger major operation, whether  
17 undertaken by the same or different contractor, or in which a  
18 division of the operation is made in contracts of amounts less  
19 than \$5,000 for the purpose of evading this part or otherwise.

20 (b) To a person who advertises that he or she is a  
21 contractor or otherwise represents that he or she is qualified  
22 to engage in contracting.

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24 Unless otherwise qualified, the person acting under the  
25 exemption provided in this subsection shall not perform the  
26 construction work, and shall contract with properly licensed  
27 persons to perform the work.

28 Section 3. This act shall take effect July 1, 1998.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 2056

Limits the exemption for real estate professionals from licensure as a contractor to contracts less than \$5,000 and extends the exemption to electrical and alarm contracting, under chapter 489, part II, F.S., as well as construction contracting under ch. 489, part I, F.S.