

1 A bill to be entitled
 2 An act relating to construction contracting; amending s.
 3 489.113, F.S.; revising requirements for supervision of
 4 uncertified or unregistered persons by certified or
 5 registered contractors; providing a limitation; providing
 6 an effective date.

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

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 10 Section 1. Subsection (2) of section 489.113, Florida
 11 Statutes, is amended to read:

12 489.113 Qualifications for practice; restrictions.--

13 (2) No person who is not certified or registered shall
 14 engage in the business of contracting in this state. However,
 15 for purposes of complying with the provisions of this chapter, a
 16 person who is not certified or registered may perform
 17 construction work under the supervision of a Division I or
 18 Division II contractor ~~person~~ who is certified or registered,
 19 provided that the work is within the scope of the supervisor's
 20 license and provided that Division I contractors may not apply
 21 this section to have the person being supervised is not engaged
 22 ~~in construction work performed~~ which would require a license as
 23 a contractor under any of the categories listed in s.

24 489.105(3)(d)-(p)~~(e)~~. This subsection does not affect the
 25 application of any local construction licensing ordinances. To
 26 enforce this subsection:

27 (a) The department shall issue a cease and desist order to
 28 prohibit any person from engaging in the business of contracting
 29 who does not hold the required certification or registration for

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30 | the work being performed under this part. For the purpose of
31 | enforcing a cease and desist order, the department may file a
32 | proceeding in the name of the state seeking issuance of an
33 | injunction or a writ of mandamus against any person who violates
34 | any provision of such order.

35 | (b) A county, municipality, or local licensing board
36 | created by special act may issue a cease and desist order to
37 | prohibit any person from engaging in the business of contracting
38 | who does not hold the required certification or registration for
39 | the work being performed under this part.

40 | Section 2. This act shall take effect July 1, 2005.