

1 A bill to be entitled
 2 An act relating to construction contracting; amending s.
 3 489.113, F.S.; providing a condition under which a person
 4 may engage in the business of contracting without
 5 certification or registration; amending s. 489.117, F.S.;
 6 providing a condition under which a person may provide
 7 certain specialty contracting services without a license;
 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 (2) of section 489.113, Florida
 13 Statutes, is amended to read:

14 489.113 Qualifications for practice; restrictions.--

15 (2) No person who is not certified or registered shall
 16 engage in the business of contracting in this state. However,
 17 for purposes of complying with the provisions of this chapter, a
 18 person who is not certified or registered may perform
 19 construction work under the supervision of a person who is
 20 certified or registered, or under the supervision of the owner
 21 of the property who is acting as his or her own contractor
 22 pursuant to s. 489.103(7), provided that the work is within the
 23 scope of the certified or registered supervisor's license and
 24 provided that the person being supervised is not engaged in
 25 construction work which would require a license as a contractor
 26 under any of the categories listed in s. 489.105(3)(d)-(o). This
 27 subsection does not affect the application of any local
 28 construction licensing ordinances. To enforce this subsection:

29 (a) The department shall issue a cease and desist order to
 30 prohibit any person from engaging in the business of contracting
 31 who does not hold the required certification or registration for
 32 the work being performed under this part. For the purpose of
 33 enforcing a cease and desist order, the department may file a
 34 proceeding in the name of the state seeking issuance of an
 35 injunction or a writ of mandamus against any person who violates
 36 any provision of such order.

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

42 Section 2. Paragraph (e) of subsection (4) of section
 43 489.117, Florida Statutes, is amended to read:

44 489.117 Registration; specialty contractors.--

45 (4)

46 (e) Any person who is not required to obtain registration
 47 or certification pursuant to s. 489.105(3)(d)-(o) may perform
 48 specialty contracting services for the construction, remodeling,
 49 repair, or improvement of single-family residences, including a
 50 townhouse as defined in the Florida Building Code, without
 51 obtaining a local professional license if such person is under
 52 the supervision of a certified or registered general, building,
 53 or residential contractor or is under the supervision of the
 54 owner of the property who is acting as his or her own contractor
 55 pursuant to s. 489.103(7). As used in this paragraph,
 56 supervision shall not be deemed to require the existence of a

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57 | direct contract between the certified or registered general,
58 | building, or residential contractor and the person performing
59 | specialty contracting services.

60 | Section 3. This act shall take effect July 1, 2006.