

By Senator Baker

20-1326-06

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A bill to be entitled

An act relating to contracting; amending ss. 489.113 and 489.117, F.S.; exempting certain contractors and specialty contractors who are working under the supervision of a property owner who is acting as his or her own contractor from certification or registration requirements; providing an effective date.

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

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

489.113 Qualifications for practice; restrictions.--

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

(a) The department shall issue a cease and desist order to prohibit any person from engaging in the business of

1 | contracting who does not hold the required certification or
2 | registration for the work being performed under this part.
3 | For the purpose of enforcing a cease and desist order, the
4 | department may file a proceeding in the name of the state
5 | seeking issuance of an injunction or a writ of mandamus
6 | against any person who violates any provision of such order.

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

12 | Section 2. Paragraph (e) of subsection (4) of section
13 | 489.117, Florida Statutes, is amended to read:

14 | 489.117 Registration; specialty contractors.--

15 | (4)

16 | (e) Any person who is not required to obtain
17 | registration or certification pursuant to s. 489.105(3)(d)-(o)
18 | may perform specialty contracting services for the
19 | construction, remodeling, repair, or improvement of
20 | single-family residences, including a townhouse as defined in
21 | the Florida Building Code, without obtaining a local
22 | professional license if such person is under the supervision
23 | of a certified or registered general, building, or residential
24 | contractor, or is under the supervision of the property owner
25 | who is acting as his or her own contractor pursuant to s.
26 | 489.103(7). As used in this paragraph, supervision shall not
27 | be deemed to require the existence of a direct contract
28 | between the certified or registered general, building, or
29 | residential contractor and the person performing specialty
30 | contracting services.

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

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SENATE SUMMARY

Exempts certain contractors and specialty contractors from certification and registration requirements if they are working under the supervision of a property owner who is acting as his or her own contractor.