



206788

LEGISLATIVE ACTION

Senate

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House

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Floor: 11/AD/2R

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03/01/2012 12:06 PM

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Senator Bennett moved the following:

Senate Amendment (with title amendment)

Between lines 1009 and 1010

insert:

Section 9. Effective upon this act becoming a law, subsection (2) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(2) A No person must be ~~who is not~~ certified or registered in order to ~~shall~~ engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor ~~person~~ who is not certified or registered may perform construction work under the supervision



206788

14 of a person who is certified or registered, provided that the
15 work is within the scope of the supervising contractor's
16 ~~supervisor's~~ license, the supervising contractor is responsible
17 for the work, and ~~provided that~~ the subcontractor ~~person~~ being
18 supervised is not engaged in construction work that ~~which~~ would
19 require a license as a contractor under any of the categories
20 listed in s. 489.105(3)(d)-(o). This subsection does not affect
21 the application of any local construction licensing ordinances.
22 To enforce this subsection:

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

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

36
37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

39 Delete line 60

40 and insert:

41 comply with the requirements under state law; amending
42 s. 489.113, F.S.; clarifying that subcontractors may



206788

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perform construction work under the supervision of a
person who is certified or registered; amending