

By Senator Montford

3-00890A-19

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1 A bill to be entitled
2 An act relating to construction contracting
3 qualifications; amending s. 489.113, F.S.; revising
4 requirements for a subcontractor who is not certified
5 or registered to perform construction work under the
6 supervision of a person who is certified or
7 registered; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Subsection (2) of section 489.113, Florida
12 Statutes, is amended to read:

13 489.113 Qualifications for practice; restrictions.—

14 (2) A person must be certified or registered in order to
15 engage in the business of contracting in this state. However,
16 for purposes of complying with the provisions of this chapter, a
17 subcontractor who is not certified or registered may perform
18 construction work under the supervision of a person who is
19 certified or registered, provided that the work is within the
20 scope of the supervising contractor's license and, the
21 supervising contractor is responsible for the work and is in
22 full compliance with chapter 440 for all related insurance
23 obligations of the subcontractor, ~~and the subcontractor being~~
24 ~~supervised is not engaged in construction work that would~~
25 ~~require a license as a contractor under any of the categories~~
26 ~~listed in s. 489.105(3)(d)-(e).~~ This subsection does not affect
27 the application of any local construction licensing ordinances.
28 To enforce this subsection:

29 (a) The department shall issue a cease and desist order to

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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. This act shall take effect July 1, 2019.