

By the Committee on Regulated Industries; and Senator McClain

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A bill to be entitled

An act relating to roof contracting; amending s. 489.105, F.S.; revising the definition of the term "roofing contractor"; amending s. 489.147, F.S.; revising the circumstances under which residential property owners are authorized to cancel a roof repair or replacement contract without penalty or obligation following a declared state of emergency; revising the notice that contractors must provide to residential property owners when executing such a contract; requiring a contractor executing certain contracts to include in or attach to the contract a certain notice to the contract; reenacting ss. 489.107(4)(b), 489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a), 489.118(1), 489.126(1), 489.131(10) and (11), and 877.02(2), F.S., relating to the Construction Industry Licensing Board, qualifications for practice and restrictions, registration and specialty contractors, certification of registered contractors and grandfathering provisions, moneys received by contractors, applicability, and solicitation of legal services or retainers therefor and penalty, respectively, to incorporate the amendment made to s. 489.105, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraph (e) of subsection (3) of section

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489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(e) "Roofing contractor" means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes all of the following and any related work: skylights; ~~and any related work,~~

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59 required roof-deck attachments; ~~and any repair or replacement~~  
60 of wood roof sheathing or fascia as needed during roof repair or  
61 replacement; and the evaluation and enhancement of roof-to-wall  
62 connections for structures with wood roof decking as described  
63 in section 706 of the Florida Building Code, Existing Building,  
64 provided that any enhancement that was properly installed and  
65 inspected in accordance with the Office of Insurance Regulation  
66 uniform mitigation verification inspection form, the Florida  
67 Building Code, or project-specific engineering exceeding these  
68 requirements is done in conjunction with a roof covering  
69 replacement or repair ~~and any related work.~~

70 Section 2. Subsection (6) of section 489.147, Florida  
71 Statutes, is amended, and subsection (7) is added to that  
72 section, to read:

73 489.147 Prohibited property insurance practices; contract  
74 requirements.—

75 (6) (a) A residential property owner may cancel a contract  
76 to replace or repair a roof without penalty or obligation within  
77 10 days after the execution of the contract or by the official  
78 start date, whichever comes first, if the contract was entered  
79 into within 180 days after ~~based on~~ events that are subject of a  
80 declaration of a state of emergency by the Governor and the  
81 residential property is located within the geographic area for  
82 which the declaration of the state of emergency applies. For the  
83 purposes of this subsection, the official start date is the date  
84 on which work that includes the installation of materials that  
85 will be included in the final work on the roof commences, a  
86 final permit has been issued, or a temporary repair to the roof  
87 covering or roof has been made in compliance with the Florida

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88 Building Code.

89 (b) A contractor executing a contract during a declaration  
90 of a state of emergency to replace or repair a roof of a  
91 residential property must include or add as an attachment to the  
92 contract the following language, in bold type of not less than  
93 14 ~~18~~ points, immediately before the space reserved for the  
94 signature of the residential property owner:

95  
96 "You, the residential property owner, may cancel this  
97 contract without penalty or obligation within 10 days  
98 after the execution of the contract or by the official  
99 start date, whichever comes first, because this  
100 contract was entered into within 180 days after events  
101 resulting in the declaration of ~~during~~ a state of  
102 emergency by the Governor. The official start date is  
103 the date on which work that includes the installation  
104 of materials that will be included in the final work  
105 on the roof commences, a ~~final~~ permit has been issued,  
106 or a temporary repair to the roof covering or roof  
107 system has been made in compliance with the Florida  
108 Building Code."

109  
110 (c) The residential property owner must send the notice of  
111 cancellation by certified mail, return receipt requested, or  
112 other form of mailing that provides proof thereof, at the  
113 address specified in the contract.

114 (7) A contractor executing a contract to replace or repair  
115 a roof of a residential property must include or add as an  
116 attachment to the contract the following language, in bold type

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117 of not less than 14 points, on the page reserved for the  
118 signature of the residential property owner:

119  
120 "If the proposed work is related to an insurance  
121 claim, you, the residential property owner, should  
122 contact your insurance company to verify coverage for  
123 the proposed roofing work, including any claims,  
124 deductibles, and policy terms before signing this  
125 contract. By signing this contract, you acknowledge  
126 that you have been advised to contact your insurance  
127 provider regarding coverage and reimbursement of the  
128 proposed work."

129 Section 3. For the purpose of incorporating the amendment  
130 made by this act to section 489.105, Florida Statutes, in a  
131 reference thereto, paragraph (b) of subsection (4) of section  
132 489.107, Florida Statutes, is reenacted to read:

133 489.107 Construction Industry Licensing Board.—

134 (4) The board shall be divided into two divisions, Division  
135 I and Division II.

136 (b) Division II is comprised of the roofing contractor,  
137 sheet metal contractor, air-conditioning contractor, mechanical  
138 contractor, pool contractor, plumbing contractor, and  
139 underground utility and excavation contractor members of the  
140 board; one of the members appointed pursuant to paragraph  
141 (2)(j); and one of the members appointed pursuant to paragraph  
142 (2)(k). Division II has jurisdiction over the regulation of  
143 contractors defined in s. 489.105(3)(d)-(p).

144 Section 4. For the purpose of incorporating the amendment  
145 made by this act to section 489.105, Florida Statutes, in a

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reference thereto, subsection (2) of section 489.113, Florida Statutes, is reenacted to read:

489.113 Qualifications for practice; restrictions.—

(2) A person must be certified or registered in order to engage in the business of contracting in this state. However, for purposes of complying with the provisions of this chapter, a subcontractor who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervising contractor's license, the supervising contractor is responsible for the work, and the subcontractor being supervised is not engaged in construction work that 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 contracting who does not hold the required certification or registration for the work being performed under this part. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

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

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Section 5. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in references thereto, paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and paragraph (a) of subsection (4) of section 489.117, Florida Statutes, are reenacted to read:

489.117 Registration; specialty contractors.—

(1)(a) A person engaged in the business of a contractor as defined in s. 489.105(3)(a)–(o) must be registered before engaging in business as a contractor in this state, unless he or she is certified. Except as provided in paragraph (2)(b), to be initially registered, the applicant must submit the required fee and file evidence of successful compliance with the local examination and licensing requirements, if any, in the area for which registration is desired. An examination is not required for registration.

(2)(a) Except as provided in paragraph (b), the board may not issue a new registration after July 1, 1993, based on any certificate of competency or license for a category of contractor defined in s. 489.105(3)(a)–(o) which is issued by a municipal or county government that does not exercise disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in s. 489.131(7). For purposes of this subsection and s. 489.131(10), the board shall determine the adequacy of such disciplinary control by reviewing the local government's ability to process and investigate complaints and to take disciplinary action against locally licensed contractors.

(b) The board shall issue a registration to an eligible

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applicant to engage in the business of a contractor in a specified local jurisdiction, provided each of the following conditions are satisfied:

1. The applicant held, in any local jurisdiction in this state during 2021, 2022, or 2023, a certificate of registration issued by the state or a local license issued by a local jurisdiction to perform work in a category of contractor defined in s. 489.105(3)(a)-(o).

2. The applicant submits all of the following to the board:

a. Evidence of the certificate of registration or local license held by the applicant as required by subparagraph 1.

b. Evidence that the specified local jurisdiction does not have a license type available for the category of work for which the applicant was issued a certificate of registration or local license during 2021, 2022, or 2023, such as a notification on the website of the local jurisdiction or an e-mail or letter from the office of the local building official or local building department stating that such license type is not available in that local jurisdiction.

c. Evidence that the applicant has submitted the required fee.

d. Evidence of compliance with the insurance and financial responsibility requirements of s. 489.115(5).

An examination is not required for an applicant seeking a registration under this paragraph.

(4)(a)1. A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of



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one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license, issued by the local government or the state, for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1), or the job scope of one of the certified specialty contractor categories established pursuant to s. 489.113(6). A local government may not require a state or local license to obtain a permit for such job scopes. For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling when the scope of the project does not include a task for which a state license is required; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; pressure washing; stuccoing; caulking; and canvas awning and ornamental iron installation.

2. A county that includes an area designated as an area of critical state concern under s. 380.05 may offer a license for any job scope which requires a contractor license under this part if the county imposed such a licensing requirement before January 1, 2021.

3. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before

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January 1, 2021.

4. A local government may not require a license as a prerequisite to submit a bid for public works projects if the work to be performed does not require a license under general law.

Section 6. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.118, Florida Statutes, is reenacted to read:

489.118 Certification of registered contractors; grandfathering provisions.—The board shall, upon receipt of a completed application and appropriate fee, issue a certificate in the appropriate category to any contractor registered under this part who makes application to the board and can show that he or she meets each of the following requirements:

(1) Currently holds a valid registered local license in one of the contractor categories defined in s. 489.105(3)(a)-(p).

Section 7. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (1) of section 489.126, Florida Statutes, is reenacted to read:

489.126 Moneys received by contractors.—

(1) For purposes of this section, the term "contractor" includes all definitions as set forth in s. 489.105(3), and any person performing or contracting or promising to perform work described therein, without regard to the licensure of the person.

Section 8. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in

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references thereto, subsections (10) and (11) of section 489.131, Florida Statutes, are reenacted to read:

489.131 Applicability.—

(10) No municipal or county government may issue any certificate of competency or license for any contractor defined in s. 489.105(3)(a)-(o) after July 1, 1993, unless such local government exercises disciplinary control and oversight over such locally licensed contractors, including forwarding a recommended order in each action to the board as provided in subsection (7). Each local board that licenses and disciplines contractors must have at least two consumer representatives on that board. If the board has seven or more members, at least three of those members must be consumer representatives. The consumer representative may be any resident of the local jurisdiction who is not, and has never been, a member or practitioner of a profession regulated by the board or a member of any closely related profession.

(11) Any municipal or county government which enters or has in place a reciprocal agreement which accepts a certificate of competency or license issued by another municipal or county government in lieu of its own certificate of competency or license allowing contractors defined in s. 489.105(3)(a)-(o), shall file a certified copy of such agreement with the board not later than 60 days after July 1, 1993, or 30 days after the effective date of such agreement.

Section 9. For the purpose of incorporating the amendment made by this act to section 489.105, Florida Statutes, in a reference thereto, subsection (2) of section 877.02, Florida Statutes, is reenacted to read:

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877.02 Solicitation of legal services or retainers  
therefor; penalty.—

(2) It shall be unlawful for any person in the employ of or  
in any capacity attached to any hospital, sanitarium, police  
department, wrecker service or garage, prison or court, for a  
person authorized to furnish bail bonds, investigators,  
photographers, insurance or public adjusters, or for a general  
or other contractor as defined in s. 489.105 or other business  
providing sinkhole remediation services, to communicate directly  
or indirectly with any attorney or person acting on said  
attorney's behalf for the purpose of aiding, assisting, or  
abetting such attorney in the solicitation of legal business or  
the procurement through solicitation of a retainer, written or  
oral, or any agreement authorizing the attorney to perform or  
render legal services.

Section 10. This act shall take effect upon becoming a law.