

By the Committees on Rules; and Regulated Industries; and
Senator McClain

595-03650-25

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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. 489.115, F.S.; requiring certain roofing contractors to complete certain continuing education courses; requiring such roofing contractor to present the certificate of completion of such continuing education courses to certain local government officials at the time the building application is submitted; amending s. 489.147, F.S.; 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

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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
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

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59 and items used in the installation, maintenance, extension, and
60 alteration of all kinds of roofing, waterproofing, and coating,
61 except when coating is not represented to protect, repair,
62 waterproof, stop leaks, or extend the life of the roof. The
63 scope of work of a roofing contractor also includes all of the
64 following and any related work: skylights; and any related work,
65 required roof-deck attachments; and any repair or replacement
66 of wood roof sheathing or fascia as needed during roof repair or
67 replacement; and the evaluation and enhancement of roof-to-wall
68 connections for structures with wood roof decking as described
69 in section 706 of the Florida Building Code, Existing Building,
70 provided that any enhancement that was properly installed and
71 inspected in accordance with the Office of Insurance Regulation
72 uniform mitigation verification inspection form, the Florida
73 Building Code, or project-specific engineering exceeding these
74 requirements is done in conjunction with a roof covering
75 replacement or repair and any related work.

76 Section 2. Paragraph (b) of subsection (4) of section
77 489.115, Florida Statutes, is amended to read:

78 489.115 Certification and registration; endorsement;
79 reciprocity; renewals; continuing education.—

80 (4)

81 (b)1. Each certificateholder or registrant must ~~shall~~
82 provide proof, in a form established by rule of the board, that
83 the certificateholder or registrant has completed at least 14
84 classroom hours of at least 50 minutes each of continuing
85 education courses during each biennium since the issuance or
86 renewal of the certificate or registration. The board shall
87 establish by rule that a portion of the required 14 hours must

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88 deal with the subject of workers' compensation, business
89 practices, workplace safety, and, for applicable licensure
90 categories, wind mitigation methodologies, and 1 hour of which
91 must deal with laws and rules. The board shall by rule establish
92 criteria for the approval of continuing education courses and
93 providers, including requirements relating to the content of
94 courses and standards for approval of providers, and may by rule
95 establish criteria for accepting alternative nonclassroom
96 continuing education on an hour-for-hour basis. The board shall
97 prescribe by rule the continuing education, if any, which is
98 required during the first biennium of initial licensure. A
99 person ~~who has been~~ licensed for less than an entire biennium
100 must not be required to complete the full 14 hours of continuing
101 education.

102 2. In addition, the board may approve specialized
103 continuing education courses on compliance with the wind
104 resistance provisions for one and two family dwellings contained
105 in the Florida Building Code and any alternate methodologies for
106 providing such wind resistance which have been approved for use
107 by the Florida Building Commission. Division I
108 certificateholders or registrants who demonstrate proficiency
109 upon completion of such specialized courses may certify plans
110 and specifications for one and two family dwellings to be in
111 compliance with the code or alternate methodologies, as
112 appropriate, except for dwellings located in floodways or
113 coastal hazard areas as defined in ss. 60.3D and E of the
114 National Flood Insurance Program.

115 3. The board shall require, by rule adopted pursuant to ss.
116 120.536(1) and 120.54, a specified number of hours in

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specialized or advanced module courses, approved by the Florida Building Commission, on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the contractor's respective discipline.

4. A roofing contractor who intends to retrofit the roof-to-wall connections on structures with wood roof decks must complete at least 2 hours of general continuing education specific to retrofitting roof-to-wall connections, including the relation of such discipline to property insurance wind mitigation credits and required documentation. Such roofing contractor must present the certificate of completion of the continuing education course to the appropriate local government official at the time a building permit application is submitted in order to demonstrate that such roofing contractor completed the training on retrofit methodology and proper installation or enhancement of the connections.

Section 3. Subsection (6) of section 489.147, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

489.147 Prohibited property insurance practices; contract requirements.—

(6)(a) A residential property owner may cancel a contract to replace or repair a roof without penalty or obligation within 10 days after the execution of the contract or by the official start date, whichever comes first, if the contract was entered into within 180 days after ~~based on~~ events that are subject of a declaration of a state of emergency by the Governor and the residential property is located within the geographic area for which the declaration of the state of emergency applies. For the

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146 purposes of this subsection, the official start date is the date
147 on which work that includes the installation of materials that
148 will be included in the final work on the roof commences, a
149 final permit has been issued, or a temporary repair to the roof
150 covering or roof has been made in compliance with the Florida
151 Building Code.

152 (b) A contractor executing a contract during a declaration
153 of a state of emergency to replace or repair a roof of a
154 residential property must include or add as an attachment to the
155 contract the following language, in bold type of not less than
156 14 ~~18~~ points, immediately before the space reserved for the
157 signature of the residential property owner:

158
159 "You, the residential property owner, may cancel this
160 contract without penalty or obligation within 10 days
161 after the execution of the contract or by the official
162 start date, whichever comes first, because this
163 contract was entered into within 180 days after events
164 resulting in the declaration of ~~during~~ a state of
165 emergency by the Governor. The official start date is
166 the date on which work that includes the installation
167 of materials that will be included in the final work
168 on the roof commences, a ~~final~~ permit has been issued,
169 or a temporary repair to the roof covering or roof
170 system has been made in compliance with the Florida
171 Building Code."

172
173 (c) The residential property owner must send the notice of
174 cancellation by certified mail, return receipt requested, or

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other form of mailing that provides proof thereof, at the address specified in the contract.

(7) A contractor executing a contract to replace or repair a roof of a residential property must include or add as an attachment to the contract the following language, in bold type of not less than 14 points, on the page reserved for the signature of the residential property owner:

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

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

489.107 Construction Industry Licensing Board.—

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

(b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the

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board; one of the members appointed pursuant to paragraph (2)(j); and one of the members appointed pursuant to paragraph (2)(k). Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(p).

Section 5. 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 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

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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.

Section 6. 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

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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 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).

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291
292 An examination is not required for an applicant seeking a
293 registration under this paragraph.

294 (4)(a)1. A person whose job scope does not substantially
295 correspond to either the job scope of one of the contractor
296 categories defined in s. 489.105(3)(a)-(o), or the job scope of
297 one of the certified specialty contractor categories established
298 by board rule, is not required to register with the board. A
299 local government, as defined in s. 163.211, may not require a
300 person to obtain a license, issued by the local government or
301 the state, for a job scope which does not substantially
302 correspond to the job scope of one of the contractor categories
303 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.
304 489.1455(1), or the job scope of one of the certified specialty
305 contractor categories established pursuant to s. 489.113(6). A
306 local government may not require a state or local license to
307 obtain a permit for such job scopes. For purposes of this
308 section, job scopes for which a local government may not require
309 a license include, but are not limited to, painting; flooring;
310 cabinetry; interior remodeling when the scope of the project
311 does not include a task for which a state license is required;
312 driveway or tennis court installation; handyman services;
313 decorative stone, tile, marble, granite, or terrazzo
314 installation; plastering; pressure washing; stuccoing; caulking;
315 and canvas awning and ornamental iron installation.

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

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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 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 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 489.118, 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 8. 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"

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

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378 later than 60 days after July 1, 1993, or 30 days after the
379 effective date of such agreement.

380 Section 10. For the purpose of incorporating the amendment
381 made by this act to section 489.105, Florida Statutes, in a
382 reference thereto, subsection (2) of section 877.02, Florida
383 Statutes, is reenacted to read:

384 877.02 Solicitation of legal services or retainers
385 therefor; penalty.—

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

399 Section 11. This act shall take effect upon becoming a law.