

By Senator Burgess

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1                                   A bill to be entitled  
2       An act relating to construction contracting; amending  
3       s. 489.111, F.S.; revising requirements for contractor  
4       licensure by examination; amending s. 489.115, F.S.;  
5       requiring that a portion of the 14 classroom hours  
6       required for the contractor certificateholder's or  
7       registrant's continuing education relate to financial  
8       literacy and basic consumer protection principles;  
9       creating s. 489.1205, F.S.; requiring the Department  
10      of Business and Professional Regulation to create,  
11      adopt, and publish a notice of proposed rule for a  
12      standardized disciplinary form for a local  
13      construction regulation board to report an infraction  
14      of a registered contractor; requiring the department  
15      to create the standardized disciplinary form by a  
16      specified date; requiring each local construction  
17      regulation board to use such form to submit any  
18      disciplinary action to the department; requiring the  
19      department to record such submittals in the automated  
20      information system; requiring the local construction  
21      regulation board to search the automated information  
22      system for a specified purpose; requiring the local  
23      construction regulation board to post certain notice  
24      on its website; requiring a local construction board  
25      to annually report its operational status to the  
26      department by a specified date; amending s. 489.126,  
27      F.S.; requiring a contractor who has received money  
28      for the repair, restoration, addition, improvement, or  
29      construction of residential real property in excess of

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30 the value of the work to work without unreasonable  
31 delay to complete the project after a specified  
32 timeframe and to provide a schedule for completion of  
33 the project within a specified timeframe upon request;  
34 providing that a contractor may collect additional  
35 compensation under certain circumstances; requiring a  
36 contractor to return a consumer's deposit within a  
37 specified timeframe under certain circumstances;  
38 authorizing the contractor to retain a portion of such  
39 deposit under certain circumstances; providing for  
40 disciplinary action against a contractor under certain  
41 circumstances; amending s. 498.127, F.S.; providing  
42 penalties; amending s. 489.129, F.S.; requiring the  
43 local construction regulation board to submit a  
44 standardized disciplinary form under certain  
45 circumstances; amending ss. 489.119 and 489.131, F.S.;  
46 conforming cross-references; reenacting s.  
47 489.1131(1)(b), relating to credit for relevant  
48 military training and education, to incorporate the  
49 amendment made to s. 489.111, F.S., in references  
50 thereto; reenacting ss. 489.517(4)(a) and 553.79(18),  
51 F.S., relating to continuing education for renewal of  
52 certificate or registration and permits, respectively,  
53 to incorporate the amendment made to s. 489.115, F.S.,  
54 in references thereto; providing an effective date.

55  
56 Be It Enacted by the Legislature of the State of Florida:

57  
58 Section 1. Paragraph (c) of subsection (2) of section

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59 489.111, Florida Statutes, is amended to read:

60 489.111 Licensure by examination.—

61 (2) A person shall be eligible for licensure by examination  
62 if the person:

63 (a) Is 18 years of age;

64 (b) Is of good moral character; and

65 (c) Meets eligibility requirements according to one of the  
66 following criteria and, when applicable, is able to provide a  
67 notarized statement from a licensed contractor with direct  
68 knowledge of the work experience described in the applicant's  
69 application, subject to discipline by the department if such  
70 information given and attested to is found to be purposefully  
71 false or misleading:

72 1. Has received a baccalaureate degree from an accredited  
73 4-year college in the appropriate field of engineering,  
74 architecture, or building construction and has 1 year of proven  
75 experience in the category in which the person seeks to qualify.  
76 For the purpose of this part, a minimum of 2,000 person-hours  
77 shall be used in determining full-time equivalency. An applicant  
78 who is exempt from passing an examination under s. 489.113(1) is  
79 eligible for a license under this section.

80 2. Has a total of at least 4 years of active experience as  
81 a worker who has learned the trade by serving an apprenticeship  
82 as a skilled worker who is able to command the rate of a  
83 mechanic in the particular trade or as a foreman who is in  
84 charge of a group of workers and usually is responsible to a  
85 superintendent or a contractor or his or her equivalent;  
86 provided, however, that at least 1 year of active experience  
87 shall be as a foreman.

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88           3. Has a combination of not less than 1 year of experience  
89 as a foreman and not less than 3 years of credits for any  
90 accredited college-level courses; has a combination of not less  
91 than 1 year of experience as a skilled worker, 1 year of  
92 experience as a foreman, and not less than 2 years of credits  
93 for any accredited college-level courses; or has a combination  
94 of not less than 2 years of experience as a skilled worker, 1  
95 year of experience as a foreman, and not less than 1 year of  
96 credits for any accredited college-level courses. All junior  
97 college or community college-level courses shall be considered  
98 accredited college-level courses.

99           4.a. An active certified residential contractor is eligible  
100 to receive a certified building contractor license after passing  
101 or having previously passed the building contractors'  
102 examination if he or she possesses a minimum of 3 years of  
103 proven experience in the classification in which he or she is  
104 certified.

105           b. An active certified residential contractor is eligible  
106 to receive a certified general contractor license after passing  
107 or having previously passed the general contractors' examination  
108 if he or she possesses a minimum of 4 years of proven experience  
109 in the classification in which he or she is certified.

110           c. An active certified building contractor is eligible to  
111 receive a certified general contractor license after passing or  
112 having previously passed the general contractors' examination if  
113 he or she possesses a minimum of 4 years of proven experience in  
114 the classification in which he or she is certified.

115           5.a. An active certified air-conditioning Class C  
116 contractor is eligible to receive a certified air-conditioning

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117 Class B contractor license after passing or having previously  
118 passed the air-conditioning Class B contractors' examination if  
119 he or she possesses a minimum of 3 years of proven experience in  
120 the classification in which he or she is certified.

121 b. An active certified air-conditioning Class C contractor  
122 is eligible to receive a certified air-conditioning Class A  
123 contractor license after passing or having previously passed the  
124 air-conditioning Class A contractors' examination if he or she  
125 possesses a minimum of 4 years of proven experience in the  
126 classification in which he or she is certified.

127 c. An active certified air-conditioning Class B contractor  
128 is eligible to receive a certified air-conditioning Class A  
129 contractor license after passing or having previously passed the  
130 air-conditioning Class A contractors' examination if he or she  
131 possesses a minimum of 1 year of proven experience in the  
132 classification in which he or she is certified.

133 6.a. An active certified swimming pool servicing contractor  
134 is eligible to receive a certified residential swimming pool  
135 contractor license after passing or having previously passed the  
136 residential swimming pool contractors' examination if he or she  
137 possesses a minimum of 3 years of proven experience in the  
138 classification in which he or she is certified.

139 b. An active certified swimming pool servicing contractor  
140 is eligible to receive a certified commercial swimming pool  
141 contractor license after passing or having previously passed the  
142 swimming pool commercial contractors' examination if he or she  
143 possesses a minimum of 4 years of proven experience in the  
144 classification in which he or she is certified.

145 c. An active certified residential swimming pool contractor

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146 is eligible to receive a certified commercial swimming pool  
147 contractor license after passing or having previously passed the  
148 commercial swimming pool contractors' examination if he or she  
149 possesses a minimum of 1 year of proven experience in the  
150 classification in which he or she is certified.

151 d. An applicant is eligible to receive a certified swimming  
152 pool/spa servicing contractor license after passing or having  
153 previously passed the swimming pool/spa servicing contractors'  
154 examination if he or she has satisfactorily completed 60 hours  
155 of instruction in courses related to the scope of work covered  
156 by that license and approved by the Construction Industry  
157 Licensing Board by rule and has at least 1 year of proven  
158 experience related to the scope of work of such a contractor.

159 Section 2. Paragraph (b) of subsection (4) of section  
160 489.115, Florida Statutes, is amended to read:

161 489.115 Certification and registration; endorsement;  
162 reciprocity; renewals; continuing education.—

163 (4)

164 (b)1. Each certificateholder or registrant shall provide  
165 proof, in a form established by rule of the board, that the  
166 certificateholder or registrant has completed at least 14  
167 classroom hours of at least 50 minutes each of continuing  
168 education courses during each biennium since the issuance or  
169 renewal of the certificate or registration. The board shall  
170 establish by rule that a portion of the required 14 hours must  
171 deal with the subject of workers' compensation, business  
172 practices, workplace safety, financial literacy and basic  
173 consumer protection principles relating to construction fraud,  
174 construction contractual agreements, deposit and escrow

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175 requirements, homeowner rights, and, for applicable licensure  
176 categories, wind mitigation methodologies, and 1 hour of which  
177 must deal with laws and rules. The board shall by rule establish  
178 criteria for the approval of continuing education courses and  
179 providers, including requirements relating to the content of  
180 courses and standards for approval of providers, and may by rule  
181 establish criteria for accepting alternative nonclassroom  
182 continuing education on an hour-for-hour basis. The board shall  
183 prescribe by rule the continuing education, if any, which is  
184 required during the first biennium of initial licensure. A  
185 person who has been licensed for less than an entire biennium  
186 must not be required to complete the full 14 hours of continuing  
187 education.

188       2. In addition, the board may approve specialized  
189 continuing education courses on compliance with the wind  
190 resistance provisions for one and two family dwellings contained  
191 in the Florida Building Code and any alternate methodologies for  
192 providing such wind resistance which have been approved for use  
193 by the Florida Building Commission. Division I  
194 certificateholders or registrants who demonstrate proficiency  
195 upon completion of such specialized courses may certify plans  
196 and specifications for one and two family dwellings to be in  
197 compliance with the code or alternate methodologies, as  
198 appropriate, except for dwellings located in floodways or  
199 coastal hazard areas as defined in ss. 60.3D and E of the  
200 National Flood Insurance Program.

201       3. The board shall require, by rule adopted pursuant to ss.  
202 120.536(1) and 120.54, a specified number of hours in  
203 specialized or advanced module courses, approved by the Florida

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204 Building Commission, on any portion of the Florida Building  
205 Code, adopted pursuant to part IV of chapter 553, relating to  
206 the contractor's respective discipline.

207 Section 3. Section 489.1205, Florida Statutes, is created  
208 to read:

209 489.1205 Discipline.—

210 (1) The department shall create, adopt, and publish a  
211 notice of proposed rule pursuant to s. 120.54(3)(a) for a  
212 standardized disciplinary form for use by each local  
213 construction regulation board to uniformly report to the  
214 department infractions and disciplinary actions against  
215 registered contractors within their jurisdictions, as described  
216 in s. 489.129(1). The department shall create the standardized  
217 disciplinary form by January 1, 2026.

218 (2) Each local construction regulation board shall use the  
219 standardized disciplinary form to submit any disciplinary action  
220 to the department. The department shall record the submittals in  
221 the automated information system described in s. 455.2286.

222 (3) A local construction regulation board shall search the  
223 department's automated information system for any infractions  
224 before issuing a license or registration to a contractor.

225 (4) The local construction regulation board shall post  
226 notice on its website that it has submitted a disciplinary form  
227 to the department. Subsequently, the local construction  
228 regulation board shall post notice indicating whether final  
229 disciplinary action has been administered and providing  
230 nonconfidential details pertaining to the investigation,  
231 including, but not limited to, the license number of the  
232 contractor, the entity's legal name, fictitious name or the



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233 "doing business as" business alias, and the county in which the  
234 events giving rise to the disciplinary action occurred.

235 (5) A local construction regulation board shall report its  
236 operational status to the department annually by December 1.

237 Section 4. Present subsections (4), (5), and (6) of section  
238 489.126, Florida Statutes, are redesignated as subsections (5),  
239 (6), and (7), respectively, a new subsection (4) is added to  
240 that section, and paragraph (a) of subsection (3) of that  
241 section is amended, to read:

242 489.126 Moneys received by contractors.—

243 (3) (a) A contractor who receives money for repair,  
244 restoration, addition, improvement, or construction of  
245 residential real property in excess of the value of the work  
246 performed may not fail or refuse to perform any work for any 90-  
247 day period or for any period that is mutually agreed upon and  
248 specified in the contract. After such period, and except where  
249 the contract expressly allows the contractor to continue his or  
250 her temporary suspension or delay of work, or where the owner  
251 has materially breached the contract, the contractor shall work  
252 without unreasonable delay to complete the project and shall  
253 provide, within 10 days after receipt of a written request, a  
254 schedule for completion. Nothing herein shall prevent the  
255 contractor from collecting additional compensation for  
256 demobilization, remobilization, acceleration, cost of materials,  
257 or any other cost, damage, or fee caused by the temporary  
258 suspension or delay if the temporary suspension or delay was  
259 caused by the owner, an act of God, a declaration of a state of  
260 emergency issued by the Governor which impacts construction of  
261 the project, or a governmental order and if the contract

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262 entitles the contractor to such compensation.

263 (4) (a) If a consumer provides a deposit to a licensed  
264 contractor for a construction project and subsequently cancels  
265 the project, and the contract between the parties does not  
266 contain a provision relating to rescission of such contract, the  
267 contractor must return the deposit within 30 days after  
268 cancellation. The contractor may retain any portion of the  
269 deposit which has been spent on the project before the  
270 cancellation request, provided that a detailed statement of such  
271 expenditures is given to the consumer.

272 (b) Failure by the contractor to return the balance of  
273 unused funds or to provide a statement of expenditures within  
274 the specified period will subject the contractor to disciplinary  
275 action, including such action described in s. 489.129(1).

276 Section 5. Present subsections (3) through (6) of section  
277 489.127, Florida Statutes, are redesignated as subsections (4)  
278 through (7), respectively, and a new subsection (3) is added to  
279 that section, and subsection (1) of that section is republished  
280 to read:

281 489.127 Prohibitions; penalties.—

282 (1) No person shall:

283 (a) Falsely hold himself or herself or a business  
284 organization out as a licensee, certificateholder, or  
285 registrant;

286 (b) Falsely impersonate a certificateholder or registrant;

287 (c) Present as his or her own the certificate or  
288 registration of another;

289 (d) Knowingly give false or forged evidence to the board or  
290 a member thereof;

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291 (e) Use or attempt to use a certificate or registration  
292 that has been suspended or revoked;

293 (f) Engage in the business or act in the capacity of a  
294 contractor or advertise himself or herself or a business  
295 organization as available to engage in the business or act in  
296 the capacity of a contractor without being duly registered or  
297 certified;

298 (g) Operate a business organization engaged in contracting  
299 after 60 days following the termination of its only qualifying  
300 agent without designating another primary qualifying agent,  
301 except as provided in ss. 489.119 and 489.1195;

302 (h) Commence or perform work for which a building permit is  
303 required pursuant to part IV of chapter 553 without such  
304 building permit being in effect; or

305 (i) Willfully or deliberately disregard or violate any  
306 municipal or county ordinance relating to uncertified or  
307 unregistered contractors.

308

309 For purposes of this subsection, a person or business  
310 organization operating on an inactive or suspended certificate  
311 or registration is not duly certified or registered and is  
312 considered unlicensed. A business tax receipt issued under the  
313 authority of chapter 205 is not a license for purposes of this  
314 part.

315 (3) A person who violates paragraphs (1) (a), (b), or (c)  
316 and takes money from a consumer who reasonably relied on such  
317 falsification commits:

318 (a) A felony of the third degree, punishable as provided in  
319 s. 775.082, s. 775.083, or s. 775.084, if the total money

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320 exchanged is more than \$1,000 but less than \$20,000.

321 (b) A felony of the second degree, punishable as provided  
322 in s. 775.082, s. 775.083, or s. 775.084, if the total money  
323 exchanged is \$20,000 or more but less than \$200,000.

324 (c) A felony of the first degree, punishable as provided in  
325 s. 775.082, s. 775.083, or s. 775.084, if the total money  
326 exchanged is \$200,000 or more.

327 (d) A felony of the third degree, punishable as provided in  
328 s. 775.082 or s. 775.083, if such person is unlicensed and  
329 commits the violation during a state of emergency declared by  
330 executive order of the Governor.

331 Section 6. Subsection (13) is added to section 489.129,  
332 Florida Statutes, to read:

333 489.129 Disciplinary proceedings.—

334 (13) The local construction regulation board shall submit a  
335 standardized disciplinary form pursuant to s. 489.1205 for any  
336 disciplinary action taken against any certificateholder or  
337 registrant, including, but not limited to, placement on  
338 probation or reprimand of the licensee; revocation, suspension,  
339 or denial of issuance or renewal of the certificate or  
340 registration; an order of payment of financial restitution to a  
341 consumer for financial harm directly related to a violation of a  
342 provision of this part; imposition of an administrative fine; an  
343 order to take continuing education courses; or assessment of  
344 costs associated with investigation and prosecution.

345 Section 7. Paragraph (f) of subsection (5) of section  
346 489.119, Florida Statutes, is amended to read:

347 489.119 Business organizations; qualifying agents.—

348 (5)

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349 (f) In addition to any other penalty prescribed by law, a  
350 local government may impose a civil fine pursuant to s.  
351 489.127(6) ~~s. 489.127(5)~~ against a person who is not certified  
352 or registered under this part if the person:

353 1. Claims to be licensed in any offer of services, business  
354 proposal, bid, contract, or advertisement, but does not possess  
355 a valid competency-based license issued by a local government in  
356 this state to perform the specified construction services; or

357 2. Claims to be insured in any offer of services, business  
358 proposal, bid, contract, or advertisement, but whose performance  
359 of the subject work is not covered by a general liability or  
360 workers' compensation insurance policy.

361 Section 8. Paragraph (c) of subsection (6) of section  
362 489.131, Florida Statutes, is amended to read:

363 489.131 Applicability.—

364 (6)

365 (c) Each local board or agency that licenses contractors  
366 must transmit quarterly to the board a report of any  
367 disciplinary action taken against contractors and of any  
368 administrative or disciplinary action taken against unlicensed  
369 persons for engaging in the business or acting in the capacity  
370 of a contractor including any cease and desist orders issued  
371 pursuant to s. 489.113(2)(b) and any fine issued pursuant to s.  
372 489.127(6) ~~s. 489.127(5)~~.

373 Section 9. For the purpose of incorporating the amendment  
374 made by this act to section 489.111, Florida Statutes, in a  
375 reference thereto, paragraph (b) of subsection (1) of section  
376 489.1131, Florida Statutes, is reenacted to read:

377 489.1131 Credit for relevant military training and

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378 education.—

379 (1) The department shall provide a method by which  
380 honorably discharged veterans may apply for licensure. The  
381 method must include a veteran-specific application and provide:

382 (b) Acceptance of up to 3 years of active duty service in  
383 the United States Armed Forces, regardless of duty or training,  
384 to meet the experience requirements of s. 489.111(2)(c). At  
385 least 1 additional year of active experience as a foreman in the  
386 trade, either civilian or military, is required to fulfill the  
387 experience requirement of s. 489.111(2)(c).

388  
389 The board may adopt rules pursuant to ss. 120.536(1) and 120.54  
390 to implement this subsection.

391 Section 10. For the purpose of incorporating the amendment  
392 made by this act to section 489.115, Florida Statutes, in a  
393 reference thereto, paragraph (a) of subsection (4) of section  
394 489.517, Florida Statutes, is reenacted to read:

395 489.517 Renewal of certificate or registration; continuing  
396 education.—

397 (4)(a) If a certificateholder or registrant holds a license  
398 under both this part and part I and is required to have  
399 continuing education courses under s. 489.115(4)(b)1., the  
400 certificateholder or registrant may apply those course hours for  
401 workers' compensation, workplace safety, and business practices  
402 obtained under part I to the requirements under this part.

403 Section 11. For the purpose of incorporating the amendment  
404 made by this act to section 489.115, Florida Statutes, in a  
405 reference thereto, subsection (18) of section 553.79, Florida  
406 Statutes, is reenacted to read:

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407           553.79 Permits; applications; issuance; inspections.—  
408           (18) Certifications by contractors authorized under the  
409 provisions of s. 489.115(4)(b) shall be considered equivalent to  
410 sealed plans and specifications by a person licensed under  
411 chapter 471 or chapter 481 by local enforcement agencies for  
412 plans review for permitting purposes relating to compliance with  
413 the wind resistance provisions of the code or alternate  
414 methodologies approved by the commission for one and two family  
415 dwellings. Local enforcement agencies may rely upon such  
416 certification by contractors that the plans and specifications  
417 submitted conform to the requirements of the code for wind  
418 resistance. Upon good cause shown, local government code  
419 enforcement agencies may accept or reject plans sealed by  
420 persons licensed under chapter 471, chapter 481, or chapter 489.  
421 A truss-placement plan is not required to be signed and sealed  
422 by an engineer or architect unless prepared by an engineer or  
423 architect or specifically required by the Florida Building Code.  
424           Section 12. This act shall take effect July 1, 2025.