

By the Committee on Regulated Industries; and Senator Burgess

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1                                   A bill to be entitled  
2       An act relating to construction contracting; amending  
3       s. 489.115, F.S.; requiring that a portion of the 14  
4       classroom hours required for the contractor  
5       certificateholder's or registrant's continuing  
6       education relate to financial literacy and basic  
7       consumer protection principles; creating s. 489.1285,  
8       F.S.; requiring the Department of Business and  
9       Professional Regulation to create and adopt by a date  
10      certain a standardized disciplinary form for a certain  
11      purpose; requiring local construction regulation  
12      boards to use such standardized disciplinary form when  
13      reporting any disciplinary action to the department;  
14      requiring the department to record each submitted form  
15      in a specified automated information system; requiring  
16      each local construction regulation board to search the  
17      automated information system for recorded disciplinary  
18      forms before issuing a license or registration under  
19      part I of ch. 489, F.S.; requiring each local  
20      construction regulation board to submit a specified  
21      report by a date certain; amending s. 489.126, F.S.;  
22      requiring a contractor who has received money for the  
23      repair, restoration, addition, improvement, or  
24      construction of residential real property in excess of  
25      the value of the work to work without unreasonable  
26      delay to complete the project after a specified  
27      timeframe and to provide a schedule for completion of  
28      the project within a specified timeframe upon request;  
29      authorizing a contractor to collect additional

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30 compensation under certain circumstances; requiring a  
31 contractor to return a consumer's deposit within a  
32 specified timeframe under certain circumstances;  
33 authorizing the contractor to retain a portion of such  
34 deposit under certain circumstances; providing for  
35 disciplinary action against a contractor under certain  
36 circumstances; amending s. 489.127, F.S.; providing  
37 penalties; amending s. 489.129, F.S.; requiring the  
38 local construction regulation board to submit a  
39 standardized disciplinary form under certain  
40 circumstances; amending ss. 489.119 and 489.131, F.S.;  
41 conforming cross-references; reenacting ss.  
42 489.517(4) (a) and 553.79(18), F.S., relating to  
43 continuing education for renewal of certificate or  
44 registration and permits, respectively, to incorporate  
45 the amendment made to s. 489.115, F.S., in references  
46 thereto; providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Paragraph (b) of subsection (4) of section  
51 489.115, Florida Statutes, is amended to read:

52 489.115 Certification and registration; endorsement;  
53 reciprocity; renewals; continuing education.—

54 (4)

55 (b)1. Each certificateholder or registrant shall provide  
56 proof, in a form established by rule of the board, that the  
57 certificateholder or registrant has completed at least 14  
58 classroom hours of at least 50 minutes each of continuing

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59 education courses during each biennium since the issuance or  
60 renewal of the certificate or registration. The board shall  
61 establish by rule that a portion of the required 14 hours must  
62 deal with the subject of workers' compensation, business  
63 practices, workplace safety, financial literacy and basic  
64 consumer protection principles relating to construction fraud,  
65 construction contractual agreements, deposit and escrow  
66 requirements, homeowner rights, and, for applicable licensure  
67 categories, wind mitigation methodologies, and 1 hour of which  
68 must deal with laws and rules. The board shall by rule establish  
69 criteria for the approval of continuing education courses and  
70 providers, including requirements relating to the content of  
71 courses and standards for approval of providers, and may by rule  
72 establish criteria for accepting alternative nonclassroom  
73 continuing education on an hour-for-hour basis. The board shall  
74 prescribe by rule the continuing education, if any, which is  
75 required during the first biennium of initial licensure. A  
76 person who has been licensed for less than an entire biennium  
77 must not be required to complete the full 14 hours of continuing  
78 education.

79 2. In addition, the board may approve specialized  
80 continuing education courses on compliance with the wind  
81 resistance provisions for one and two family dwellings contained  
82 in the Florida Building Code and any alternate methodologies for  
83 providing such wind resistance which have been approved for use  
84 by the Florida Building Commission. Division I  
85 certificateholders or registrants who demonstrate proficiency  
86 upon completion of such specialized courses may certify plans  
87 and specifications for one and two family dwellings to be in

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88 compliance with the code or alternate methodologies, as  
89 appropriate, except for dwellings located in floodways or  
90 coastal hazard areas as defined in ss. 60.3D and E of the  
91 National Flood Insurance Program.

92 3. The board shall require, by rule adopted pursuant to ss.  
93 120.536(1) and 120.54, a specified number of hours in  
94 specialized or advanced module courses, approved by the Florida  
95 Building Commission, on any portion of the Florida Building  
96 Code, adopted pursuant to part IV of chapter 553, relating to  
97 the contractor's respective discipline.

98 Section 2. Section 489.1285, Florida Statutes, is created  
99 to read:

100 489.1285 Disciplinary forms.—

101 (1) The department shall create and adopt by rule a  
102 standardized disciplinary form to be used by each local  
103 construction regulation board to uniformly report a violation of  
104 this part to the department. The department shall create the  
105 standardized disciplinary form and publish a notice of proposed  
106 rule pursuant to s. 120.54(3)(a) by July 1, 2026.

107 (2)(a) Upon adoption of the standardized disciplinary form  
108 by the department, each local construction regulation board  
109 shall use the form when reporting any disciplinary action to the  
110 department. The department shall record each submitted form in  
111 the automated information system created under s. 455.2286.

112 (b) Each local construction regulation board shall search  
113 the automated information system for any recorded disciplinary  
114 forms before issuing a license or registration under this part.

115 (3) By December 1, 2026, each local construction regulation  
116 board shall submit to the department a report regarding the

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117 board's implementation of this section.

118 Section 3. Present subsections (4), (5), and (6) of section  
119 489.126, Florida Statutes, are redesignated as subsections (5),  
120 (6), and (7), respectively, a new subsection (4) is added to  
121 that section, and paragraph (a) of subsection (3) of that  
122 section is amended, to read:

123 489.126 Moneys received by contractors.—

124 (3) (a) A contractor who receives money for repair,  
125 restoration, addition, improvement, or construction of  
126 residential real property in excess of the value of the work  
127 performed may not fail or refuse to perform any work for any 90-  
128 day period or for any period that is mutually agreed upon and  
129 specified in the contract. After such period, and except where  
130 the contract expressly allows the contractor to continue his or  
131 her temporary suspension or delay of work, or where the owner  
132 has materially breached the contract, the contractor must work  
133 without unreasonable delay to complete the project and must  
134 provide, within 10 days after receipt of a written request, a  
135 schedule for completion. Nothing herein shall prevent the  
136 contractor from collecting additional compensation for  
137 demobilization, remobilization, acceleration, cost of materials,  
138 or any other cost, damage, or fee caused by the temporary  
139 suspension or delay if the temporary suspension or delay was  
140 caused by the owner, an act of God, a declaration of a state of  
141 emergency issued by the Governor which impacts construction of  
142 the project, or a governmental order and if the contract  
143 entitles the contractor to such compensation.

144 (4) (a) If a consumer provides a deposit to a licensed  
145 contractor for a construction project and subsequently cancels

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146 the project, and the contract between the parties does not  
147 contain a provision relating to rescission of such contract, the  
148 contractor must return the deposit within 30 days after  
149 cancellation. The contractor may retain any portion of the  
150 deposit which has been spent on the project before the  
151 cancellation request, provided that a detailed statement of such  
152 expenditures is given to the consumer.

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

157 Section 4. Present subsections (3) through (6) of section  
158 489.127, Florida Statutes, are redesignated as subsections (4)  
159 through (7), respectively, and a new subsection (3) is added to  
160 that section, and subsection (1) of that section is republished  
161 to read:

162 489.127 Prohibitions; penalties.—

163 (1) No person shall:

164 (a) Falsely hold himself or herself or a business  
165 organization out as a licensee, certificateholder, or  
166 registrant;

167 (b) Falsely impersonate a certificateholder or registrant;

168 (c) Present as his or her own the certificate or  
169 registration of another;

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

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

174 (f) Engage in the business or act in the capacity of a

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175 contractor or advertise himself or herself or a business  
176 organization as available to engage in the business or act in  
177 the capacity of a contractor without being duly registered or  
178 certified;

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

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

186 (i) Willfully or deliberately disregard or violate any  
187 municipal or county ordinance relating to uncertified or  
188 unregistered contractors.

189

190 For purposes of this subsection, a person or business  
191 organization operating on an inactive or suspended certificate  
192 or registration is not duly certified or registered and is  
193 considered unlicensed. A business tax receipt issued under the  
194 authority of chapter 205 is not a license for purposes of this  
195 part.

196 (3) A person who violates paragraph (1) (a), paragraph  
197 (1) (b), or paragraph (1) (c) and takes money from a consumer who  
198 reasonably relied on such falsification commits:

199 (a) A felony of the third degree, punishable as provided in  
200 s. 775.082, s. 775.083, or s. 775.084, if the total money  
201 exchanged is more than \$1,000 but less than \$20,000.

202 (b) A felony of the second degree, punishable as provided  
203 in s. 775.082, s. 775.083, or s. 775.084, if the total money

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204 exchanged is \$20,000 or more but less than \$200,000.

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

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

212 Section 5. Subsection (13) is added to section 489.129,  
213 Florida Statutes, to read:

214 489.129 Disciplinary proceedings.—

215 (13) The local construction regulation board shall submit a  
216 standardized disciplinary form pursuant to s. 489.1285 for any  
217 disciplinary action taken against any certificateholder or  
218 registrant, including, but not limited to, placement on  
219 probation or reprimand of the licensee; revocation, suspension,  
220 or denial of issuance or renewal of the certificate or  
221 registration; an order of payment of financial restitution to a  
222 consumer for financial harm directly related to a violation of a  
223 provision of this part; imposition of an administrative fine; an  
224 order to take continuing education courses; or assessment of  
225 costs associated with investigation and prosecution.

226 Section 6. Paragraph (f) of subsection (5) of section  
227 489.119, Florida Statutes, is amended to read:

228 489.119 Business organizations; qualifying agents.—

229 (5)

230 (f) In addition to any other penalty prescribed by law, a  
231 local government may impose a civil fine pursuant to s.  
232 489.127(6) ~~s. 489.127(5)~~ against a person who is not certified



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233 or registered under this part if the person:

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

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

242 Section 7. Paragraph (c) of subsection (6) of section  
243 489.131, Florida Statutes, is amended to read:

244 489.131 Applicability.—

245 (6)

246 (c) Each local board or agency that licenses contractors  
247 must transmit quarterly to the board a report of any  
248 disciplinary action taken against contractors and of any  
249 administrative or disciplinary action taken against unlicensed  
250 persons for engaging in the business or acting in the capacity  
251 of a contractor including any cease and desist orders issued  
252 pursuant to s. 489.113(2)(b) and any fine issued pursuant to s.  
253 489.127(6) ~~s. 489.127(5)~~.

254 Section 8. For the purpose of incorporating the amendment  
255 made by this act to section 489.115, Florida Statutes, in a  
256 reference thereto, paragraph (a) of subsection (4) of section  
257 489.517, Florida Statutes, is reenacted to read:

258 489.517 Renewal of certificate or registration; continuing  
259 education.—

260 (4)(a) If a certificateholder or registrant holds a license  
261 under both this part and part I and is required to have

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262 continuing education courses under s. 489.115(4)(b)1., the  
263 certificateholder or registrant may apply those course hours for  
264 workers' compensation, workplace safety, and business practices  
265 obtained under part I to the requirements under this part.

266 Section 9. For the purpose of incorporating the amendment  
267 made by this act to section 489.115, Florida Statutes, in a  
268 reference thereto, subsection (18) of section 553.79, Florida  
269 Statutes, is reenacted to read:

270 553.79 Permits; applications; issuance; inspections.—

271 (18) Certifications by contractors authorized under the  
272 provisions of s. 489.115(4)(b) shall be considered equivalent to  
273 sealed plans and specifications by a person licensed under  
274 chapter 471 or chapter 481 by local enforcement agencies for  
275 plans review for permitting purposes relating to compliance with  
276 the wind resistance provisions of the code or alternate  
277 methodologies approved by the commission for one and two family  
278 dwellings. Local enforcement agencies may rely upon such  
279 certification by contractors that the plans and specifications  
280 submitted conform to the requirements of the code for wind  
281 resistance. Upon good cause shown, local government code  
282 enforcement agencies may accept or reject plans sealed by  
283 persons licensed under chapter 471, chapter 481, or chapter 489.  
284 A truss-placement plan is not required to be signed and sealed  
285 by an engineer or architect unless prepared by an engineer or  
286 architect or specifically required by the Florida Building Code.

287 Section 10. This act shall take effect July 1, 2025.