

1                                   A bill to be entitled  
2           An act relating to roofing services; amending s.  
3           489.105, F.S.; revising the definition of the term  
4           "roofing contractor"; reenacting ss. 489.107(4)(b),  
5           489.113(2), 489.117(1)(a), (2)(a) and (b), and (4)(a),  
6           489.118(1), 489.126(1), 489.131(10) and (11), and  
7           877.02(2), F.S.; relating to the Construction Industry  
8           Licensing Board, qualifications for practice and  
9           restrictions, registration and specialty contractors,  
10          certification of registered contractors and  
11          grandfathering provisions, moneys received by  
12          contractors, applicability, and solicitation of legal  
13          services or retainers therefor and penalty,  
14          respectively, to incorporate the amendment made to s.  
15          489.105, F.S., in references thereto; amending s.  
16          489.147, F.S.; providing applicability; revising the  
17          official start date that a residential property owner  
18          may cancel a contract to replace or repair a roof  
19          without penalty or obligation; revising the language  
20          required to be in a contract, or attached thereto, to  
21          replace or repair a roof that is executed within a  
22          specified time of a declaration of a state of  
23          emergency; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           **Section 1. Paragraph (e) of subsection (3) of section**  
28 **489.105, Florida Statutes, is amended to read:**

29           489.105 Definitions.—As used in this part:

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

47           (e) "Roofing contractor" means a contractor whose services  
48 are unlimited in the roofing trade and who has the experience,  
49 knowledge, and skill to install, maintain, repair, alter,  
50 extend, or design, if not prohibited by law, and use materials

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

68 **Section 2. For the purpose of incorporating the amendment**  
69 **made by this act to section 489.105, Florida Statutes, in a**  
70 **reference thereto, paragraph (b) of subsection (4) of section**  
71 **489.107, Florida Statutes, is reenacted to read:**

72 489.107 Construction Industry Licensing Board.—

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

75 (b) Division II is comprised of the roofing contractor,

76 sheet metal contractor, air-conditioning contractor, mechanical  
77 contractor, pool contractor, plumbing contractor, and  
78 underground utility and excavation contractor members of the  
79 board; one of the members appointed pursuant to paragraph  
80 (2) (j); and one of the members appointed pursuant to paragraph  
81 (2) (k). Division II has jurisdiction over the regulation of  
82 contractors defined in s. 489.105(3) (d) - (p).

83 **Section 3. For the purpose of incorporating the amendment**  
84 **made by this act to section 489.105, Florida Statutes, in a**  
85 **reference thereto, subsection (2) of section 489.113, Florida**  
86 **Statutes, is reenacted to read:**

87 489.113 Qualifications for practice; restrictions.—

88 (2) A person must be certified or registered in order to  
89 engage in the business of contracting in this state. However,  
90 for purposes of complying with the provisions of this chapter, a  
91 subcontractor who is not certified or registered may perform  
92 construction work under the supervision of a person who is  
93 certified or registered, provided that the work is within the  
94 scope of the supervising contractor's license, the supervising  
95 contractor is responsible for the work, and the subcontractor  
96 being supervised is not engaged in construction work that would  
97 require a license as a contractor under any of the categories  
98 listed in s. 489.105(3) (d) - (o). This subsection does not affect  
99 the application of any local construction licensing ordinances.  
100 To enforce this subsection:

101 (a) The department shall issue a cease and desist order to  
 102 prohibit any person from engaging in the business of contracting  
 103 who does not hold the required certification or registration for  
 104 the work being performed under this part. For the purpose of  
 105 enforcing a cease and desist order, the department may file a  
 106 proceeding in the name of the state seeking issuance of an  
 107 injunction or a writ of mandamus against any person who violates  
 108 any provision of such order.

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

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

119 489.117 Registration; specialty contractors.—

120 (1)(a) A person engaged in the business of a contractor as  
 121 defined in s. 489.105(3)(a)-(o) must be registered before  
 122 engaging in business as a contractor in this state, unless he or  
 123 she is certified. Except as provided in paragraph (2)(b), to be  
 124 initially registered, the applicant must submit the required fee  
 125 and file evidence of successful compliance with the local

126 examination and licensing requirements, if any, in the area for  
127 which registration is desired. An examination is not required  
128 for registration.

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

142 (b) The board shall issue a registration to an eligible  
143 applicant to engage in the business of a contractor in a  
144 specified local jurisdiction, provided each of the following  
145 conditions are satisfied:

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

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

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

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

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

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

167

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

170           (4) (a)1. A person whose job scope does not substantially  
171 correspond to either the job scope of one of the contractor  
172 categories defined in s. 489.105(3) (a)-(o), or the job scope of  
173 one of the certified specialty contractor categories established  
174 by board rule, is not required to register with the board. A  
175 local government, as defined in s. 163.211, may not require a

176 person to obtain a license, issued by the local government or  
177 the state, for a job scope which does not substantially  
178 correspond to the job scope of one of the contractor categories  
179 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.  
180 489.1455(1), or the job scope of one of the certified specialty  
181 contractor categories established pursuant to s. 489.113(6). A  
182 local government may not require a state or local license to  
183 obtain a permit for such job scopes. For purposes of this  
184 section, job scopes for which a local government may not require  
185 a license include, but are not limited to, painting; flooring;  
186 cabinetry; interior remodeling when the scope of the project  
187 does not include a task for which a state license is required;  
188 driveway or tennis court installation; handyman services;  
189 decorative stone, tile, marble, granite, or terrazzo  
190 installation; plastering; pressure washing; stuccoing; caulking;  
191 and canvas awning and ornamental iron installation.

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

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

201 local government imposed such a licensing requirement before  
 202 January 1, 2021.

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

207 **Section 5. For the purpose of incorporating the amendment**  
 208 **made by this act to section 489.105, Florida Statutes, in a**  
 209 **reference thereto, subsection (1) of section 489.118, Florida**  
 210 **Statutes, is reenacted to read:**

211 489.118 Certification of registered contractors;  
 212 grandfathering provisions.—The board shall, upon receipt of a  
 213 completed application and appropriate fee, issue a certificate  
 214 in the appropriate category to any contractor registered under  
 215 this part who makes application to the board and can show that  
 216 he or she meets each of the following requirements:

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

220 **Section 6. For the purpose of incorporating the amendment**  
 221 **made by this act to section 489.105, Florida Statutes, in a**  
 222 **reference thereto, subsection (1) of section 489.126, Florida**  
 223 **Statutes, is reenacted to read:**

224 489.126 Moneys received by contractors.—

225 (1) For purposes of this section, the term "contractor"

226 includes all definitions as set forth in s. 489.105(3), and any  
227 person performing or contracting or promising to perform work  
228 described therein, without regard to the licensure of the  
229 person.

230 **Section 7. For the purpose of incorporating the amendment**  
231 **made by this act to section 489.105, Florida Statutes, in**  
232 **references thereto, subsections (10) and (11) of section**  
233 **489.131, Florida Statutes, are reenacted to read:**

234 489.131 Applicability.—

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

249 (11) Any municipal or county government which enters or  
250 has in place a reciprocal agreement which accepts a certificate

251 of competency or license issued by another municipal or county  
252 government in lieu of its own certificate of competency or  
253 license allowing contractors defined in s. 489.105(3)(a)-(o),  
254 shall file a certified copy of such agreement with the board not  
255 later than 60 days after July 1, 1993, or 30 days after the  
256 effective date of such agreement.

257 **Section 8. For the purpose of incorporating the amendment**  
258 **made by this act to section 489.105, Florida Statutes, in a**  
259 **reference thereto, subsection (2) of section 877.02, Florida**  
260 **Statutes, is reenacted to read:**

261 877.02 Solicitation of legal services or retainers  
262 therefor; penalty.—

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

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276           **Section 9. Paragraphs (a) and (b) of subsection (6) of**  
277 **section 489.147, Florida Statutes, are amended to read:**

278           489.147 Prohibited property insurance practices; contract  
279 requirements.—

280           (6) (a) A residential property owner may cancel a contract  
281 to replace or repair a roof without penalty or obligation within  
282 10 days after the execution of the contract or by the official  
283 start date, whichever comes first, if the contract was entered  
284 into within 30 days of ~~based on~~ events that are the subject of a  
285 declaration of a state of emergency by the Governor. This  
286 subsection does not apply to any subsequent extension of a state  
287 of emergency for the same event. For the purposes of this  
288 subsection, the official start date is the date on which work  
289 that includes the installation of materials that will be  
290 included in the final work on the roof commences, a ~~final~~ permit  
291 has been issued, or a temporary repair to the roof covering or  
292 roof has been made in compliance with the Florida Building Code.

293           (b) A contractor executing a contract during a declaration  
294 of a state of emergency to replace or repair a roof of a  
295 residential property must include or add as an attachment to the  
296 contract the following language, in bold type of not less than  
297 14 points ~~18 points~~, immediately before the space reserved for  
298 the signature of the residential property owner:

299  
300 "You, the residential property owner, may cancel this contract

301 without penalty or obligation within 10 days after the execution  
302 of the contract or by the official start date, whichever comes  
303 first, because this contract was entered into within 30 days of  
304 events resulting in the declaration of ~~during~~ a state of  
305 emergency by the Governor. The official start date is the date  
306 on which work that includes the installation of materials that  
307 will be included in the final work on the roof commences, a  
308 ~~final~~ permit has been issued, or a temporary repair to the roof  
309 covering or roof system has been made in compliance with the  
310 Florida Building Code."

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