

26 specified language; providing an effective date.

27

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

29

30 **Section 1. Paragraph (e) of subsection (3) of section**
 31 **489.105, Florida Statutes, is amended to read:**

32 489.105 Definitions.—As used in this part:

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

50 (e) "Roofing contractor" means a contractor whose services

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

71 **Section 2. For the purpose of incorporating the amendment**
72 **made by this act to section 489.105, Florida Statutes, in a**
73 **reference thereto, paragraph (b) of subsection (4) of section**
74 **489.107, Florida Statutes, is reenacted to read:**

75 489.107 Construction Industry Licensing Board.—

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

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

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

90 489.113 Qualifications for practice; restrictions.—

91 (2) A person must be certified or registered in order to
92 engage in the business of contracting in this state. However,
93 for purposes of complying with the provisions of this chapter, a
94 subcontractor who is not certified or registered may perform
95 construction work under the supervision of a person who is
96 certified or registered, provided that the work is within the
97 scope of the supervising contractor's license, the supervising
98 contractor is responsible for the work, and the subcontractor
99 being supervised is not engaged in construction work that would
100 require a license as a contractor under any of the categories

101 listed in s. 489.105(3)(d)-(o). This subsection does not affect
102 the application of any local construction licensing ordinances.
103 To enforce this subsection:

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

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

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

122 489.117 Registration; specialty contractors.—

123 (1)(a) A person engaged in the business of a contractor as
124 defined in s. 489.105(3)(a)-(o) must be registered before
125 engaging in business as a contractor in this state, unless he or

126 she is certified. Except as provided in paragraph (2) (b), to be
127 initially registered, the applicant must submit the required fee
128 and file evidence of successful compliance with the local
129 examination and licensing requirements, if any, in the area for
130 which registration is desired. An examination is not required
131 for registration.

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

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

149 1. The applicant held, in any local jurisdiction in this
150 state during 2021, 2022, or 2023, a certificate of registration

151 issued by the state or a local license issued by a local
 152 jurisdiction to perform work in a category of contractor defined
 153 in s. 489.105(3) (a)-(o).

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

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

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

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

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

170
 171 An examination is not required for an applicant seeking a
 172 registration under this paragraph.

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

176 one of the certified specialty contractor categories established
177 by board rule, is not required to register with the board. A
178 local government, as defined in s. 163.211, may not require a
179 person to obtain a license, issued by the local government or
180 the state, for a job scope which does not substantially
181 correspond to the job scope of one of the contractor categories
182 defined in s. 489.105(3)(a)-(o) and (q) or authorized in s.
183 489.1455(1), or the job scope of one of the certified specialty
184 contractor categories established pursuant to s. 489.113(6). A
185 local government may not require a state or local license to
186 obtain a permit for such job scopes. For purposes of this
187 section, job scopes for which a local government may not require
188 a license include, but are not limited to, painting; flooring;
189 cabinetry; interior remodeling when the scope of the project
190 does not include a task for which a state license is required;
191 driveway or tennis court installation; handyman services;
192 decorative stone, tile, marble, granite, or terrazzo
193 installation; plastering; pressure washing; stuccoing; caulking;
194 and canvas awning and ornamental iron installation.

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

200 3. A local government may continue to offer a license for

201 veneer, including aluminum or vinyl gutters, siding, soffit, or
 202 fascia; rooftop painting, coating, and cleaning above three
 203 stories in height; or fence installation and erection if the
 204 local government imposed such a licensing requirement before
 205 January 1, 2021.

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

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

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

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

223 **Section 6. For the purpose of incorporating the amendment**
 224 **made by this act to section 489.105, Florida Statutes, in a**
 225 **reference thereto, subsection (1) of section 489.126, Florida**

226 **Statutes, is reenacted to read:**

227 489.126 Moneys received by contractors.—

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

233 **Section 7. For the purpose of incorporating the amendment**
 234 **made by this act to section 489.105, Florida Statutes, in**
 235 **references thereto, subsections (10) and (11) of section**
 236 **489.131, Florida Statutes, are reenacted to read:**

237 489.131 Applicability.—

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

251 of any closely related profession.

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

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

264 877.02 Solicitation of legal services or retainers
265 therefor; penalty.-

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

276 the procurement through solicitation of a retainer, written or
277 oral, or any agreement authorizing the attorney to perform or
278 render legal services.

279 **Section 9. Paragraphs (a) and (b) of subsection (6) of**
280 **section 489.147, Florida Statutes, are amended, and subsection**
281 **(7) is added to that section, to read:**

282 489.147 Prohibited property insurance practices; contract
283 requirements.—

284 (6) (a) A residential property owner may cancel a contract
285 to replace or repair a roof without penalty or obligation within
286 10 days after the execution of the contract or by the official
287 start date, whichever comes first, if the contract was entered
288 into within 180 days of ~~based on~~ events that are the subject of
289 a declaration of a state of emergency by the Governor and the
290 residential property is located within the geographic area for
291 which the declaration of the state of emergency applies. For the
292 purposes of this subsection, the official start date is the date
293 on which work that includes the installation of materials that
294 will be included in the final work on the roof commences, a
295 ~~final~~ permit has been issued, or a temporary repair to the roof
296 covering or roof has been made in compliance with the Florida
297 Building Code.

298 (b) A contractor executing a contract during a declaration
299 of a state of emergency to replace or repair a roof of a
300 residential property must include or add as an attachment to the

301 contract the following language, in bold type of not less than
302 14 points ~~18 points~~, immediately before the space reserved for
303 the signature of the residential property owner:

304

305 "You, the residential property owner, may cancel this contract
306 without penalty or obligation within 10 days after the execution
307 of the contract or by the official start date, whichever comes
308 first, because this contract was entered into within 180 days of
309 events resulting in the declaration of ~~during~~ a state of
310 emergency by the Governor. The official start date is the date
311 on which work that includes the installation of materials that
312 will be included in the final work on the roof commences, a
313 ~~final~~ permit has been issued, or a temporary repair to the roof
314 covering or roof system has been made in compliance with the
315 Florida Building Code."

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

321

322 "If the proposed work is related to an insurance claim, you, the
323 residential property owner, should contact your insurance
324 company to verify coverage for the proposed roofing work,
325 including any claims, deductibles, and policy terms, before

326 | signing this contract. By signing this contract, you acknowledge
327 | that you have been advised to contact your insurance provider
328 | regarding coverage and reimbursement of the proposed work."

329 | **Section 10.** This act shall take effect upon becoming a
330 | law.