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CS/CS/HB 715

2025 Legislature

1  
 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; requiring a contractor executing a contract  
 24 to replace or repair a roof of a residential property  
 25 to include in the contract, or attach thereto,

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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

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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.—

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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.